

Case No. BZA 64-84 - Eddy's Toyota of Wichita, Inc. - requests an exception for the establishment of a new and used car sales lot on property currently zoned the "LC" Light Commercial District & generally located on the south side of Kellogg, between Gouverneur

POSTED  
9/29/84

**ACTION**

BZA. 64-84 Deferred 30 days 9-25-84  
DATE

BZA. APPROVED 10-22-84  
DATE

B-Y

REVISED  
BZA 64-84

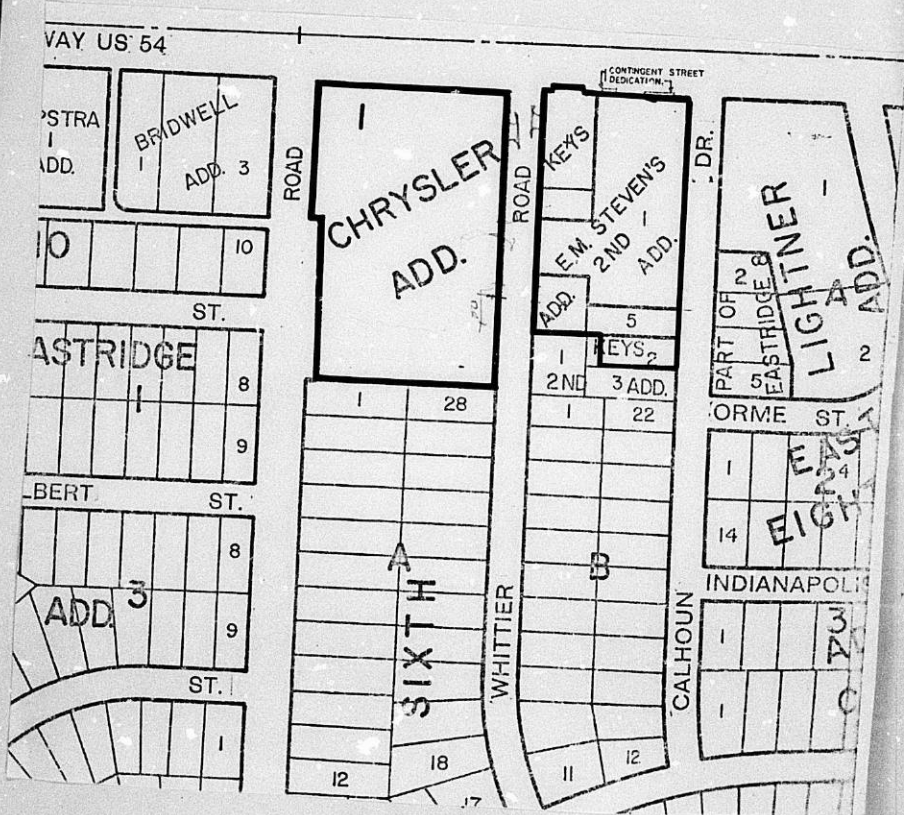
Map No. 5946 A

BZA 64-84  
Filed 8/21/84

AREA DATA:

1. Acres:  $\approx$  6.9 TOTAL ( 330 / 270 ft. by 520 / 480 ft.)
2. Adjoining Zoning: E "LC" & "A" S "AA" W "LC" & "A" & "AN" & "LC"
3. Land Use: East MOTEL OFFICE & IF South IF  
West AUTO SALES & I-F North COMMERCIAL & PARKING
4. Area (is) (is not) platted.

520 x 330 < 270 x 480



HASTINGS, MN - LOS ANGELES  
LOGAN CH - McCREGOR, TX U. S. A.

**Shimada**  
No. 2153C

October 11, 1985

Steven Motors, Inc.  
c/o Harold Johnson  
7333 East Kellogg  
Wichita, Kansas 67207

RE: BZA 64-84 Request for Exception (7127-7333 E. Kellogg); BZA 29-81  
Request for Exception (6603 E. Kellogg); BZA 11-85 Request for  
Exception (4925 E. Kellogg)

Dear Mr. Johnson:

As per our conversation several weeks ago, you indicated that if any problems arose, you would appreciate being notified. Rather than writing separate letters on each of these cases, I will combine our comments into one for expeditious convenience.

BZA 64-84

As you are aware, the Traffic Commission has recently considered establishing parking limitations on Gouverneur, Whittier and Calhoun. It is also understood that a vacation case (V-1356), to vacate the access control on Chrysler Addition, has been filed and will be considered by the Subdivision Committee on October 24, 1985.

It should be noted that Resolution BZA 64-84 states that, "No driveway approaches shall be constructed on either property in the area designated for access control until such time that additional zoning is obtained on the opposite side of the streets and appropriate cases are filed, and approved, for the location of the driveways." In this case it will be necessary to file a new BZA case to determine the approved location of the driveway approaches in order to establish the amount of access control to be vacated by (V-1356). I am enclosing an application for your use, and this must be filed by October 28, 1985 to be heard by the BZA on November 26, 1985.

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Steven Motors, Inc.  
October 10, 1985  
Page 2

BZA 29-81

As I discussed with you in the office in August, the property located at the southwest corner of Hunter and Kellogg has been developed contrary to the conditions established by Resolution BZA 29-81. The required off-street parking has not been installed in conformance with the plan that was submitted by the architect Alan McHenry. In addition to the above, you have fenced in a portion of the public right-of-way (alley) for automobile storage.

As I indicated to you, unless you took immediate steps to correct these violations it would be necessary to request that the Board of Zoning Appeals consider revocation of the Resolution, thus requiring you to cease and desist the operation of an automobile sales business at this location. I know that sounds drastic, but after over four years of dealing with your architect trying to get this matter resolved, it appears that there is no alternative unless some steps are taken immediately to remove the fence and provide the parking in conformance with the approved plan.

It should be noted that the area enclosed within the fence is a dedicated alley and even if it were vacated, the property would revert to the owners on the south since the entire alley was originally platted from that property. In addition, the zoning to the south of Gump Addition and Gant Addition is zoned the "B" Multiple family Residence District and cannot be utilized in anyway as a part of the automobile sales and storage business.

Please see that appropriate steps are taken immediately to correct these violations.

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BZA 11-85

On May 13, 1985 a copy of Resolution BZA 11-85 was furnished to Mr. Edward Stevens, Stevens Motors, Inc., setting forth the conditions of approval to occupy the property on the southwest corner of Kellogg and Elpyco as an automobile sales business. Condition number 10 indicates that all conditions shall be complied with prior to occupancy and in no case later than 120 days from February 26, 1985.

It is very apparent that permits have been issued for the expansion of the existing building on the property. None of this was a consideration given by the Board of Zoning Appeals in their approval. Obviously June 26, 1985 is past and the Resolution should be voided in conformance with the resolution that was adopted by the Board. I would appreciate the submission of three site plans, showing compliance with all the conditions established by the resolution, being submitted to this office for approval by the Traffic Engineer and reviewed by the Secretary by October 25, 1985. Failure to comply by that date will result in the revocation of the resolution which would void permission to use the property as a automobile sales business.

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Steven Motors, Inc.  
October 10, 1985  
Page 3

This office has recently been requested by the City Commission for comments on the effectiveness for compliance with the conditions established by the Board of Zoning Appeals. In fact, I feel that a major concern has been the direct result of neighborhood complaints due to noncompliance by automobile dealerships of conditions established by the Board, of which your share of violations have been a contributing factor.

In order to help Central Inspection in their responsibility, I would hope that you take steps immediately to resolve all matters at these three locations. If I can be of assistance in reviewing these matters with you, please give me a call.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL/lw

cc: Michael E. Lindebak, Acting Director of Planning  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Housing Inspection Supervisor  
Everett Fettis

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

August 19, 1985

TO: Bill McKinley, Traffic Engineer  
FROM: Glen E. Lytle, Special Assistant for Zoning  
SUBJECT: BZA 64-34 - Automobile Sales - 7127 & 7333 East Kellogg

The properties located on the south side of Kellogg between Calhoun and Gouverneur are regulated by Resolution BZA 64-84 and the provisions in the "LC" Light Commercial District. Prior to this resolution being adopted by the Board of Zoning Appeals, the properties had been approved in part by several other BZA resolutions.

The site plan that was submitted with the application and approved by Resolution BZA 64-84 provided a parking lot on Lot 1, Chrysler Addition for 115 employee parking spaces to serve both the Steven Chrysler-Plymouth and Eddy's Toyota properties. Also, the Board established a condition (#6) in the resolution that this parking lot shall be installed and instruct the employees to use the off-street parking lot.

As you will note by the letter of January 8, 1985, the applicant was instructed to complete the parking lot by May 1, 1985. In discussing this matter with Edie Azim of Central Inspection this date, he advises the parking lot has not been installed as set forth in the resolution.

If you need a copy of the site plan, possibly a slide can be made for the meeting of August 21, 1985.

Glen E. Lytle  
Special Assistant for Zoning

GEL:sad

Attachment

cc: Mike Lindebak, Acting Director of Planning  
Jack H. Galbraith, Chief Planner, Current Plans  
Monty Robson, Superintendent of Central Inspection

**CONTRACT AGREEMENT**

**THIS AGREEMENT**, Made this 13th day of FEBRUARY A.D. 19 85,  
by and between STEVEN CHRYSLER PLYMOUTH, INC. hereinafter called the  
Owner, and MAJOR, INC. hereinafter called the  
Contractor.

For the consideration hereinafter named, the Contractor covenants and agrees with said Owner, as follows:

**FIRST:** The Contractor agrees to perform all work necessary to complete 4,915 SQ. YDS. OF ASPHALT PAVING. THE WORK CONSISTS OF GRADING AND COMPACTING THE EXISTING ROCK BASE AND ADDING ROCK BASE TO APPROXIMATELY A 15 FOOT WIDE STRIP ON THE EAST, SOUTH AND WEST SIDES. THEN SURFACE THE ENTIRE AREA WITH A 2" ASPHALTIC CONCRETE SURFACE.

at 7121 EAST KELLOGG, WICHITA, KANSAS Said work to have the approval of and be in accordance with the plans and specifications furnished by the Owner.

**SECOND:** The Contractor shall take out and pay for the Workmen's Compensation and Public Liability Insurance as required by the State in which this work is performed.

**THIRD:** The Contractor shall pay all ~~State~~ Old Age Benefit and Unemployment Compensation Taxes upon the work furnished under this contract, as required by the United States Government and the State in which this work is performed.

**FOURTH:** No extra work or changes under this contract will be recognized or paid for, unless agreed to in writing before the work is done or the changes made.

**FIFTH:** This contract shall not be assigned by the Contractor without first obtaining permission in writing from the Owner. All sub-contracts shall be subject to the approval of the Owner.

IN CONSIDERATION WHEREOF, the said Owner agrees that he will pay to the said Contractor in the sum of SEVENTY SIX THOUSAND AND NO CENTS PLUS SALES TAX DOLLARS (\$ 26,000.00 PLUS SALES TAX) for said material and work, said amount to be paid as follows:

Ninety percent of any material furnished or work performed on job to be billed by the 20th of each month for payment by the first of the following month. Balance of contract price to be paid upon completion of job. Any account 30 days past due subject to one percent per month service charge on unpaid balance.

The Contractor and the Owner for themselves, their successors, executors, administrators and assigns, hereby agree to full performance of the covenants of this agreement.

IN WITNESS WHEREOF, they have executed this agreement the day and date above written.

WITNESS [Signature]  
OWNER [Signature] STEVEN CHRYSLER PLYMOUTH, INC.  
CONTRACTOR [Signature] MAJOR, INC.

January 8, 1985

Mr. Edward M. Steven  
Eddy's Toyota of Wichita, Inc.  
7333 East Kellogg  
Wichita, Ks. 67207

Re: BZA 64-84 - Request for Exception

Dear Mr. Steven:

Transmitted herewith is a copy of BZA Resolution 64-84 setting forth the conditions of approval for the expansion of the automobile sales business located on the south side of Kellogg between Gouverneur and Calhoun. As you will note this resolution is subject to your completion of E. M. Stevens 3rd Addition before the zoning change request Z-2612 will become effective.

It has been the concern of some of the neighbors that the installation of the employee parking lot at the south end of Chrysler Addition has not yet been completed. In fact the CPO has requested that the previous action taken by the Board of Zoning Appeals be rescinded. I am furnishing this information to you so that you can now take the necessary steps to comply with this resolution which should alleviate the neighborhood concerns.

For your information, the south 140 feet of Chrysler Addition has been used in violation of the zoning regulations for a number of years for the storage of automobiles. With the release of this resolution, you are now authorized to make the improvements required by the resolution for the employee parking lot and the storage of vehicles. Until such time the entire site is paved with asphalt or concrete, the parking or storage of vehicles is in violation. It is not this office, or is it Central Inspection's responsibility to determine who is to make the improvements on the property, but this must be completed at the earliest date.

By copy of this letter, I am requesting Central Inspection to monitor your progress on the completion of the improvements on the property, and keeping this office advised. I am certain that it is your desire to try to resolve the concerns of the neighborhood by your expeditious actions. However, with the winter weather just setting in, it is reasonable to believe that a May 1, 1985 completion date is possible.

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

cc: Jim Jorgensen, Acting Superintendent of Central Inspection  
Ed Azim, Zoning Inspector  
Don Cisick, City Clerk  
Alan McKenry, 432 Corona, Denver, Colorado 80218

RESOLUTION NO. BZA 64-84

WHEREAS, Steven Chrysler Plymouth, Inc., and Eddy's Toyota of Wichita, Inc., & Edward Steven, 7333 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the expansion of new and used car sales businesses on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Chrysler Addition, Lots 1, 2, 4 and the south 50 foot of Lot 5 all in the Keys Addition, Lot 2 except the west 37 feet in the Keys 2nd Addition, and Lot 1 of the E. M. Steven's 3rd Addition. Generally located on the south side of Kellogg, between Gouverneur and Calhoun Drive.

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 23, 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 and expansion of new and used car sales businesses 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 expansion of new and used car sales businesses on property zoned the "LC" Light Commercial District legally described as follows:

Lot 1, Chrysler Addition, Lots 1, 2, 4 and the south 50 foot of Lot 5 all in the Keys Addition, Lot 2 except the west 37 feet in the Keys 2nd Addition, and Lot 1 of the E. M. Steven's 3rd Addition. Generally located on the south side of Kellogg, between Gouverneur and Calhoun Drive.


subject to the following conditions:

1. The release of the resolution authorizing the expansion of the automobile sales lots shall be subject to the applicant complying with conditions numbered 2, 3, 4 and 5.
2. The landscaping as required by condition number 8 must be installed within 30 days of the date of approval by the Board.
3. The applicant shall reconstruct the curb and gutter on the two approaches started on Gouverneur and Whittier near the south end of Chrysler Addition and remove the driveway approach that is in violation of the access control on Whittier by November 15, 1984. These areas shall be returned to their original condition as grassed areas.
4. The applicant shall remove all trailers, trucks and heavy equipment that has been stored on the property in violation of the conditions of the "LC" Light Commercial District and approval of this BZA exception.
5. The applicant shall submit a single site plan showing compliance with all conditions of approval as set forth herein.
6. The applicant shall install the employee parking lot as shown by the site plan and instruct all employees to use the off-street parking for all vehicles, both personal and company.

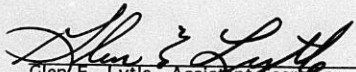
7. Should at any point in time the two dealerships come under separate ownership, new site plans shall be submitted to the Secretary and the Superintendent of Central Inspection for review and approval for compliance with all conditions on each site as set forth herein.
8. The south 140 feet of the public property adjacent to Calhoun shall be landscaped as was required by the previous BZA resolution. This landscaping shall consist of not less than 5 street trees and shall be appropriately maintained. This landscaping shall be shown on the site plan as required by condition number 5.
9. All storage and display areas shall be paved with concrete or asphalt.
10. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
11. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance, including the limitation of one portable sign each property.
12. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
13. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done except in the area zoned "C" Commercial on Chrysler Addition.
14. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash. The location of any trash containers shall be within an area screened from view and not located on public right-of-way.
15. Any area used for the storage of wrecked vehicles shall be within an area screened from view.
16. Appropriate barriers shall be placed adjacent to public right-of-way lines to prevent the uses of public right-of-way for display or parking of vehicles.
17. No permanent structures shall be erected south of a line 425 feet south of the right-of-way line of Kellogg Drive.
18. Prior to the issuance of any additional building permits for any structures, a new site plan showing compliance with all conditions as set forth herein shall be submitted to the Secretary and the Superintendent of Central Inspection for approval.
19. The applicant shall maintain the minor street privilege for the planters and the asphalt paving on public right-of-way.
20. A six to eight foot high solid fence shall be constructed of redwood or cedar for the entire south property lines on both properties. In addition, the west property line adjacent to Gouverneur Road shall be fenced with a solid fence except at the driveway approach. Solid fencing shall be maintained for the south 100 feet adjacent to Calhoun. Solid fencing shall be maintained along Whittier on both sides of the street adjacent to the property line for a distance of not less than 50 feet north of the south line of any property zoned "LC" Light Commercial provided however, one pedestrian gate adjacent to Whittier may be permitted to serve the employee parking lot.
21. The use of the additional property included in the application for zoning under case Z-2612 shall not be permitted, nor shall any improvements be made to the property, until the applicant shall complete the replat of the property between Whittier and Calhoun into one lot.
22. No driveway approaches shall be constructed on either property in the area designated for access control until such time additional zoning is obtained on the opposite side of the streets and appropriate cases are filed and approved for the location of the driveways.

23. Approval of this exception and the release of this resolution is intended to incorporate and supercede BZA Cases No. 28-65 and 24-81, thereby making those resolutions null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1984.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

January 8, 1985

TO: Cindy Entriken, Administrative Aide III  
FROM: Glen E. Lytle, Special Assistant for Zoning  
SUBJECT: BZA 64-84 - Steven Chrysler-Plymouth and Eddy's Toyota

In response to your memo of December 19, 1984, I asked Central Inspection to make an on-site inspection of the above-captioned property to ascertain compliance with conditions of approval for the expansion of the automobile agency's. I received a telephone response on this matter on January 3, 1985 from Eddie Azim, Zoning Inspector.

It is Mr. Azim's opinion that the applicant has complied with all the provisions established by the Board of Zoning appeals required for the release of the resolution. Until the resolution is released, the installation of the off-street parking lot for employees is not possible under the provisions of the existing resolutions applying to the property.

With the provisions established by the Board of Zoning Appeals having been complied with, this office will now release the resolution authorizing the expansion of the uses on the properties in conformance with the conditions set forth on October 23, 1984. Please advise CPO Council "H" that at this time this office sees no reason to ask that previous action be recinded. We will, however, advise the Board of their concern on this matter and request that Central Inspection monitor very closely compliance with all provisions of the resolution.

Glen E. Lytle

GEL:sad

**THE CITY OF WICHITA**

OFFICE OF Citizen Participation

DATE December 19, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 64-84 Steven Chrysler  
Plymouth and Eddy's Toyota

On Monday, Decmeber 17, CPO Council "H" received a status report on the above captioned case. the Council requested an update on this case because of requests from area residents.

The Council voted 8-0 to recommend to the Board of Zoning Appeals that the Board rescind approval of Resolution No. 64-84 based on the fact that Steven Chrysler Plymouth and Eddy's Toyota have not complied with conditions 2,3,4,6, and 8 as set out by the Board of Zoning Appeals.

Five area residents were present to express their concerns about the lack of compliance and the continued congestion of Steven's and Eddy's employees parking on residential streets and Kellogg Drive.

Would you please provide me with the date that the Board of Zoning Appeals might consider this recommendation? There are several area residents who would like to appear before the BZA to express their concerns.

If you have any questions, please call me at 4516.

*Cindy Entriiken*  
Cindy Entriiken  
Administrative Aide III

CE:dm  
Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

**RECEIVED**  
DEC 20 1984  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

CITIZEN PARTICIPATION ORGANIZATION  
NEIGHBORHOOD COUNCIL AREA "H"

CPO Council Area "H"  
Monday, December 17, 1984  
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*Glen Hagle - FYI*

Minutes  
Monday, December 17, 1984

Members Present

Sharon Ryan  
Charlotte Kleffner  
Anneke Allen  
June Turner  
Hank Sanford  
Nancy Lindstrom  
Marvin Cox  
Bill Johnson

Members Absent

Jerry Gordon

Guests

Charles Eads, 625 Whittier  
Lloyd & Olive Cameron, 633 Whittier  
Cecil & Betty Peterson, 620 Whittier

President Ryan called the meeting to order at 7:02 p.m.

Cox moved (Sanford) to change the order of the agenda to consider the Status Report on Eddy's Toyota first, due area residents being present to discuss this item. Motion passed 7-0.

Turner moved (Lindstrom) to approve the minutes of November 5. Motion passed 7-0.

STATUS REPORT

a) Eddy's Toyota BZA 64-84

The Aide reviewed the site plan provided by Alan McHenry, architect for Eddy's Toyota & Steven Chrysler Plymouth. The site plan indicates that an employees parking lot would be located on the south and west sides of the Steven Chrysler Plymouth lot. The plan shows a curb cut on Governour, north of the area of complete access control as well as landscaping, required in previous BZA, on the southeast corner of the Eddy's Toyota lot on Calhoun.

Kleffner present.

The Aide also reviewed the 23 conditions of approval which the Board of Zoning Appeals approved when the Board approved Resolution No. BZA 64-84.

According to reports from area residents, the following conditions have not been met: 2, 3, 4, 6, 8.

Discussion was held.

Lloyd Cameron, 633 Whittier, stated that street parking is still a problem in the area since Steven and Eddy's employees are still parking on the streets.

Cecil Peterson, 620 Whittier, stated that although the applicants had said at the September 24 CPO meeting that they would immediately instruct their

employees to not park at the corner on Kellogg Drive at Kellogg & Governour, the employees are still parking at that corner and all along Kellogg Drive.

Ryan recalled that the applicant had indeed stated at the September 24 CPO Council meeting that they would instruct their employees to not park on Kellogg Drive.

Discussion was held.

Cox moved (Allen) that the Council recommend to the Board of Zoning Appeals, that the Board rescind approval of Resolution No. BZA 64-84 based on the fact that Steven Chrysler Plymouth and Eddy's Toyota have not complied with conditions 2, 3, 4, 6, and 8 set out by the BZA.

The consensus of the Council was to direct the Aide to contact Bill McKinley, Traffic Engineer, regarding a possible public hazard on Kellogg Drive at Governour to see if no parking signs can be installed.

SECRETARIAT AGENDA

1. CPO CONSIDERATION OF CDBG REQUESTS AND THE CITY BUDGET

Ryan reviewed the proposals for change.

Discussion was held concerning the proposed change for consideration of CDBG requests vs. the present manner for considering CDBG requests. The consensus of the Council was to consider the 2 proposals separately.

Cox moved that the Council receive and file the proposal.

Motion died for lack of a second.

Kleffner moved (Cox) that there be no change in the method of CPO consideration of CDBG requests for the following reasons:

1. CPO Council members should spend more time studying the printed proposals and come to the individual Council meetings prepared to make recommendations.
2. Each Council should send designated individual members to attend the City Commission hearing on CDBG requests report back to the Councils.
3. The proposed change for CDBG consideration imposes an unfair burden on the applicant organizations to use limited staff time to send staff to the proposed All-Council meetings.
4. The proposed change is duplicative of the present City Commission hearing process.
5. No time would be saved since the CPO Councils would still consider the CDBG applications.

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6. The CPO Councils should spend more time on city budget consideration in order to have a better understanding of the city departments which request CDBG funds.

Motion passed 8-0.

Discussion was held concerning the proposed change for CPO consideration of the budget.

Ryan moved (Turner) that Councils consider the City budget in the same manner they do now with the following changes:

1. At the time that each CPO Council considers the budget, the Councils should compile a list of all questions that Council members have.
2. One or two representatives from each Council would then go to an All-Council sponsored meeting with City Department Heads to ask the questions.
3. Those Council representatives would then report back to their individual Councils.

Motion passed 8-0.

#### 2. CPO MEETING SCHEDULE

The consensus of the Council was to receive and file the schedule.

#### 3. CITY OF WICHITA 1985 LEGISLATIVE PROGRAM

The consensus of the Council was to receive and file the schedule.

#### 4. COORDINATING BOARD MINUTES

The consensus of the Council was to receive and file the minutes.

#### COUNCIL AGENDA

##### 1. RESPONSE FROM STAN SCOTT, CP COORDINATOR, REGARDING AIDE ACTIVITIES

Council members reviewed the response from Stan Scott, CP Coordinator.

Discussion was held.

The consensus of the Council was to receive and file the response.

#### OFF- AGENDA ITEM

Council members expressed concern about the number of curb cuts allowed on Kellogg and Webb in the Maxwell CUP.

CPO Council Area "H"  
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Ryan stated that the CUP allowed 3 curb cuts on Webb, North of Kellogg but there were 5 cuts there now, not counting the Residence Inn or the motel.

Cox stated that the Traffic Commission had approved a request for additional cuts at the October Traffic Commission meeting.

The consensus of the Council was to ask Bill McKinley, Traffic Engineer, for a status report on the traffic patterns and traffic related construction for the Maxwell CUP. Meeting adj. rned at 8:30.

Respectfully submitted

*Cindy Entriken*  
Cindy Entriken  
Administrative Aide III

CE/glw

October 24, 1984

Mr. Edward M. Steven  
Eddy's Toyota of Wichita, Inc.  
7333 East Kellogg  
Wichita, Ks. 67207

Re: BZA 64-84 - Request for Exception

Dear Mr. Steven:

At the regular meeting of the Board of Zoning Appeals on October 23, 1984, your request for an exception was considered. It was the action of the Board to approve the exception request for the expansion of the new and used automobile sales businesses located on the south side of Kellogg between Gouverneur and Calhoun. This approval is subject to a number of conditions that have been established by the Board, some of which must be completed by November 15, 1984. These are set forth in conditions numbered 2, 3, 4 and 5 which includes the reconstruction of the curb at the location of the driveway approaches that violate the complete access control on Chrysler Addition. The following are the conditions of approval:

1. The release of the resolution authorizing the expansion of the automobile sales lots shall be subject to the applicant complying with conditions numbered 2, 3, 4 and 5.
2. The landscaping as required by condition number 8 must be installed within 30 days of the date of approval by the Board.
3. The applicant shall reconstruct the curb and gutter on the two approaches started on Gouverneur and Whittier near the south end of Chrysler Addition and remove the driveway approach that is in violation of the access control on Whittier by November 15, 1984. These areas shall be returned to their original condition as grassed areas.
4. The applicant shall remove all trailers, trucks and heavy equipment that has been stored on the property in violation of the conditions of the "LC" Light Commercial District and approval of this BZA exception.
5. The applicant shall submit a single site plan showing compliance with all conditions of approval as set forth herein.

6. The applicant shall install the employee parking lot as shown by the site plan and instruct all employees to use the off-street parking for all vehicles, both personal and company.
7. Should at any point in time the two dealerships come under separate ownership, new site plans shall be submitted to the Secretary and the Superintendent of Central Inspection for review and approval for compliance with all conditions on each site as set forth herein.
8. The south 140 feet of the public property adjacent to Calhoun shall be landscaped as was required by the previous BZA resolution. This landscaping shall consist of not less than 5 street trees and shall be appropriately maintained. This landscaping shall be shown on the site plan as required by condition number 5.
9. All storage and display areas shall be paved with concrete or asphalt.
10. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
11. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance, including the limitation of one portable sign each property.
12. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
13. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done except in the area zoned "C" Commercial on Chrysler Addition.
14. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash. The location of any trash containers shall be within an area screened from view and not located on public right-of-way.
15. Any area used for the storage of wrecked vehicles shall be within an area screened from view.
16. Appropriate barriers shall be placed adjacent to public right-of-way lines to prevent the uses of public right-of-way for display or parking of vehicles.
17. No permanent structures shall be erected south of a line 425 feet south of the right-of-way line of Kellogg Drive.
18. Prior to the issuance of any additional building permits for any structures, a new site plan showing compliance with all conditions as set forth herein shall be submitted to the Secretary and the Superintendent of Central Inspection for approval.
19. The applicant shall maintain the minor street privilege for the planters and the asphalt paving on public right-of-way.

20. A six to eight foot high solid fence shall be constructed of redwood or cedar for the entire south property lines on both properties. In addition, the west property line adjacent to Gouverneur Road shall be fenced with a solid fence except at the driveway approach. Solid fencing shall be maintained for the south 100 feet adjacent to Calhoun. Solid fencing shall be maintained along Whittier on both sides of the street adjacent to the property line for a distance of not less than 50 feet north of the south line of any property zoned "LC" Light Commercial provided however, one pedestrian gate adjacent to Whittier may be permitted to serve the employee parking lot.
21. The use of the additional property included in the application for zoning under case Z-2612 shall not be permitted, nor shall any improvements be made to the property, until the applicant shall complete the replat of the property between Whittier and Calhoun into one lot.
22. No driveway approaches shall be constructed on either property in the area designated for access control until such time additional zoning is obtained on the opposite side of the streets and appropriate cases are filed and approved for the location of the driveways.
23. Approval of this exception and the release of this resolution is intended to incorporate and supercede BZA Cases No. 28-65 and 24-81, thereby making these resolutions null and void.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with condition number one above.

If you or your architect have any questions on this matter, please contact us immediately so that this case can move ahead.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Allen McHenry, 1318 Stackman D-1, Wichita  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

# RE: AGENDA ITEM NO.

## SECRETARY'S REPORT CASE NO. BZA 64-84

APPLICANT: Steven Chrysler Plymouth Inc. and Eddy's Toyota of Wichita, Inc., & Edward Steven, 7333 East Kellogg, Wichita, Kansas.

AGENT: Allen McHenry, 1318 Stackman D-1, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the expansion of a new and used car sales lots in the "LC" Light Commercial District.

GENERAL LOCATION: On the south side of Kellogg between Gouverneur and Calhoun (7127 & 7333 East Kellogg).

ZONING: Subject properties are zoned "LC" Light Commercial as are the properties to the west, north and east. Property to the south is "AA" One-family and a portion of the property to the east and west are zoned the "A" Two-family Dwelling District.

LAND USE: Subject properties are occupied by the applicant's existing automobile agencies and additional area not previously approved by the Board. Properties to the south are residential as well as parcels to the east and west. Properties to the north are developed commercially.

### 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 to permit the expansion of two existing automobile agencies located on the south side of Kellogg between Gouverneur Road and Calhoun. One property being the Chrysler Plymouth agency, and the other the Toyota agency.

The Chrysler Plymouth Agency was first approved by the Board of Zoning Appeals on August 24, 1965 and has been operated under the provisions of Resolution BZA 28-65 which included all of the property zoned "LC" Light Commercial at that time. The owners subsequently obtained an additional 140 feet of "LC" zoning to the south in 1970, but did not follow up with an application to receive the appropriate approval for the use of the property in conjunction with the car agency. This approval for zoning was subject to the entire property being platted into one lot. The property has been used for the storage of automobiles even though improvements required have never been made.

The Toyota agency between Whittier and Calhoun was first approved in 1971. Since that time, at least 4 additional BZA cases have been filed for expansion of the agency. A recent zone change request for additional "LC" zoning on the east side of Whittier has been approved subject to the applicant replatting the entire ownership into one lot. As of this date, a plat has not been filed with the planning department.

This case was deferred at the meeting of September 25, 1984, so that the applicant could try to resolve some of the concerns of the neighborhood and also that of the staff. These concerns were primarily the number of employees cars that are presently congesting the streets in the neighborhood, and also how the applicant intends to handle the driveway approaches to both Gouverneur and Whittier. Also, the deferral provided the applicant additional time to correct some of the existing violations on the property.

The applicant's agent submitted a revised site plan on the afternoon of October 12, 1984 that shows an employee parking lot at the south end of Chrysler Addition that the only vehicular access will be from an existing driveway approach on Gouverneur Road that is north of the complete access control dedicated on the plat. Only pedestrian access will be permitted on the Whittier frontage of the property. The site plan also designates a location for the trash containers on private property that area screened from residential properties.

The Secretary is still of the opinion that an employee parking lot should be provided on each property, but one lot can provide relief to the on-street parking congestion only as long as both properties are controlled by one individual or business enterprise. Should the situation change from the present operation, new site plans should be submitted for approval.

The proposed employee parking lot should relieve some of the congestion on the side streets, but will not relieve the congestion on Kellogg Drive without the applicant providing off-street parking for the sales lots near the street. The unloading of a transport truck has been observed on Kellogg Drive and when vehicles are backed down the ramp, the cars had to back out into the intersection of Gouverneur Road and Kellogg Drive. Unloading should take place on private property and not on public street right-of-way.

RECOMMENDATION:

It is the Secretary's opinion that the expansion of the use is appropriate at this location subject to the following conditions of approval:

1. The release of the resolution authorizing the expansion of the automobile sales lots shall be subject to the applicant complying with conditions numbered 2, 3, 4 and 5.
2. The landscaping as required by condition number 8 must be installed within 30 days of the date of approval by the Board.
3. The applicant shall reconstruct the curb and gutter on the two approaches started on Gouverneur and Whittier near the south end of Chrysler Addition and remove the driveway approach that is in violation of the access control on Whittier by November 15, 1984. These areas shall be returned to their original condition as grassed areas.
4. The applicant shall remove all trailers, trucks and heavy equipment that has been stored on the property in violation of the conditions of the "LC" Light Commercial District and approval of this BZA exception.
5. The applicant shall submit a single site plan showing compliance with all conditions of approval as set forth herein.
6. The applicant shall install the employee parking lot as shown by the site plan and instruct all employees to use the off-street parking for all vehicles, both personal and company.
7. Should at any point in time the two dealerships come under separate ownership, new site plans shall be submitted to the Secretary and the Superintendent of Central Inspection for review and approval for compliance with all conditions on each site as set forth herein.
8. The south 140 feet of the public property adjacent to Calhoun shall be landscaped as was required by the previous BZA resolution. This landscaping shall consist of not less than 5 street trees and shall be appropriately maintained. This landscaping shall be shown on the site plan as required by condition number 5.
9. All storage and display areas shall be paved with concrete or asphalt.
10. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
11. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance, including the limitation of one portable sign each property.
12. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

13. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done except in the area zoned "C" Commercial on Chrysler Addition.
  14. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash. The location of any trash containers shall be within an area screened from view and not located on public right-of-way.
  15. Any area used for the storage of wrecked vehicles shall be within an area screened from view.
  16. Appropriate barriers shall be placed adjacent to public right-of-way lines to prevent the uses of public right-of-way for display or parking of vehicles.
  17. No permanent structures shall be erected south of a line 425 feet south of the right-of-way line of Kellogg Drive.
  18. Prior to the issuance of any additional building permits for any structures, a new site plan showing compliance with all conditions as set forth herein shall be submitted to the Secretary and the Superintendent of Central Inspection for approval.
  19. The applicant shall maintain the minor street privilege for the planters and the asphalt paving on public right-of-way.
  20. A six to eight foot high solid fence shall be constructed of redwood or cedar for the entire south property lines on both properties. In addition, the west property line adjacent to Gouverneur Road shall be fenced with a solid fence except at the driveway approach. Solid fencing shall be maintained for the south 100 feet adjacent to Calhoun. Solid fencing shall be maintained along Whittier on both sides of the street adjacent to the property line for a distance of not less than 50 feet north of the south line of any property zoned "LC" Light Commercial provided however, one pedestrian gate adjacent to Whittier may be permitted to serve the employee parking lot.
  21. The use of the additional property included in the application for zoning under case Z-2612 shall not be permitted, nor shall any improvements be made to the property, until the applicant shall complete the replat of the property between Whittier and Calhoun into one lot.
  22. No driveway approaches shall be constructed on either property in the area designated for access control until such time additional zoning is obtained on the opposite side of the streets and appropriate cases are filed and approved for the location of the driveways.
  23. The applicant shall provide an off-street loading area for the unloading of vehicles from transport trucks.
  24. Approval of this exception and the release of this resolution is intended to incorporate and supercede BZA Cases No. 28-65 and 24-81, thereby making those resolutions null and void.
-

September 27, 1984

Alan M. McHenry  
1318 Stackman, D01  
Wichita, Ks. 67203

Re: BZA 64-84 - Request for Exception

Dear Mr. McHenry:

At the regular meeting of the Board of Zoning Appeals on September 25, 1984, your request for an exception was considered. After considerable discussion as to the appropriate location of an employee parking lot to serve both agencies, and the appropriate location of curb cuts to best protect the residential neighborhood to the south, the action of the Board was to defer this case to their next meeting.

Specifically the concern is how far south on Whittier and Gouverneur should curb cuts be permitted. The plat of Chrysler Addition was originally approved with complete access control to both streets for approximately the south half of the lot. We believe, and it was the general consensus of the Board that curb cuts should not be approved across from existing residences. The Board advised that they could possibly support a curb cut on Gouverneur at the medial break in line with Orme Street. As to a curb cut on Whittier, they concurred that one should not be across from residential zoning and should be located further to the north across from commercial zoning. They did agree, however, that a pedestrian gate could be placed in the fence for employee access to Whittier, but that no driveway approach was to be constructed across from residential zoning.

Other items of concern mentioned at the meeting were as follows:

Only one portable sign is permitted at each location. There were recently three on Toyota and two on Chrysler.

The existing driveway approach to Whittier that is not in use is to be removed and the curb returned.

Transport unloading facilities are to be provided on-site and not on public right-of-way.

Adequate off-street parking for both employees and customers to prevent on-street congestion in the neighborhood is to be provided.

Provide a location for the trash dumpster that is presently located on public right-of-way on the east side of Gouverneur Road.

Provide a totally screened area for any vehicle parts or scrap that is located outside of the building, that is presently near the body shop area.

Remove the trailers, trucks and heavy equipment from the property that is not being stored within the buildings as required by the "LC" Light Commercial District.

Request that the applicant instruct all employees and salespersons to use off-street parking for all vehicles, both personal and company.

These are the comments the Board reviewed. We would appreciate copies of your revised plans no later than October 12th so that a revised staff report can be prepared for the meeting of October 23, 1984. This meeting will be held in the Board Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas beginning at 1:30 p.m.

Please contact me if you have questions or need a meeting to review your revised plans.

Sincerely yours,

Jack H. Galbraith  
Secretary

GEL:sad

cc: Eddy's Toyota of Wichita, Inc., % Edward M. Steven, 7333 E. Kellogg,  
Wichita 67207  
Steven Chrysler Plymouth Inc., % Edward M. Steven, 7127 E. Kellogg,  
Wichita 67207  
Laurel A. Tiger, 608 South Gouverneur, Wichita 67207  
Lloyd W. Cameron, 633 Whittier, Wichita 67207  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      September 25, 1984

TO      Glen Lytle, Special Assistant for Zoning

FROM      Cindy Entriiken, Administrative Aide III

SUBJECT      BZA 64-84 Generally located on  
the south side of Kellogg, between  
Governour and Calhoun

On Monday, September 24, CPO Council "H" considered the above captioned case. The Council voted 4-2 to recommend that the request be approved subject to the conditions in the Secretary's report with the additional condition that no curb cuts be allowed on Whitter and Governour. For your information, the Council also voted 6-0 to recommend that on-street parking be restricted on Whitter and Governour. I will notify Bill McKinley, Traffic Engineer, of this recommendation.

Area residents presented the Council with 2 petitions containing signatures of residents opposed to this BZA (See attachment). However, after hearing the presentation from the applicants, some of the residents in attendance at the meeting crossed their names off the petitions.

Alan McHenry, agent, and Mike and Ed Stevens, applicants were present to discuss the case with the Council and to show site plans. There were also 13 area residents present. The residents expressed concern about congestion on residential streets as a result of Eddy's Toyota employees parking on the streets. Other concerns expressed were in regard to customers "test-driving" vehicles on Calhoun and Governour, and passage being blocked on streets by semis unloading new cars.

Please present the Council's recommendations to the Board of Zoning Appeals when it meets to consider the case.

*Cindy Entriiken*  
Cindy Entriiken  
Administrative Aide III

CE:dm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

Petition

Orme - Indianapolis

The undersigned residents/property owners affected by the operation of Eddy's Trolley and Stevens Chrysler Plymouth Truck protest the proposed variances requested for the operations of new and used car sales lots on property zoned "LC" and is described in BZA Case 64-84

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Mrs. Betty J. Ramsey	7315 E. Orme	685-2739
W. L. Ramsey	7315 E. Orme	685-2739
Mrs. Betty Hallford	7315 E. Orme	685-2739
Robert D. Mickelson	7321 E. Orme	683-3484
Betty S. Mickelson	7321 E. Orme	683-3484
Lucy Woodcock	7309 E. Orme	685-2150
Julia L. Vaughn	7309 E. Orme	685-2150
Georgia Bwoops	555 S. Calhoun	685-9844
Frank A. Oberlander	618 Calhoun	682-3475
Alonzo C. Smith	602 Calhoun	685-5933
Blond A. Woodcock	7309 E. Orme	685-2150
Michael D. Vaughn	7309 E. Orme	685-2150

## Petition

The undersigned residents/property owners affected by the operation of Eddy's Toyota and Stearns Chrysler Plymouth hereby protest the proposed variances requested for the operation of new and used car sales lots on property zoned "LC" and as described in BZA Case 64-84.

Name	Address	Phone
<del>Mr. James Johnson</del>	<del>607 W. Whittier</del>	<del>684-3698</del>
Mrs. Carl D. Peterson	620 W. Whittier	684-3402
<del>Mrs. Betty Peterson</del>	<del>620 W. Whittier</del>	<del>684-3402</del>
<del>Mrs. Sylvia Connor</del>	<del>633 W. Whittier</del>	<del>684-1494</del>
Mrs. Olive Connor	633 Whittier	684-1494
Mrs. Jean M. Chambers	645 Whittier	684-8725
Mr. L. R. Chambers	645 Whittier	684-8725
<del>Mrs. Johna Meakin</del>	<del>647 Whittier</del>	<del>683-9186</del>
<del>Mrs. Lee Grubbly</del>	<del>614 Whittier</del>	<del>683-7186</del>
<del>Mrs. Stephen Matting</del>	<del>615 S. Whittier</del>	<del>683-1560</del>
Mrs. Lisa M. Wind	626 Whittier	684-1918
Charles J. Ends		683-2795
James M. Shugh	644 Whittier	
<del>Miss Michael C. Woodard</del>	<del>650 Whittier</del>	<del>684-3485</del>
Charles E. Marshall	656 W. Whittier	684-4569
<del>John J. Ends</del>	<del>626 Whittier</del>	<del>684-1948</del>
Marlene Marshall	656 Whittier	684-4569
Phyllis J. Kelley	7202 E. Gilbert	682-7895
Dean Kelley	7202 E. GILBERT	682-7895

Clare Cordoba  
Harry Pindaba

657 Whittier  
657 Whittier

686-7309  
686-7309

Stephen M. Wio

615 Whittier

683-1566

~~Harry Pindaba~~

Susan D. Klock

663 Whittier

683-1466

Cliff J. Klock

663 Whittier

683-1466

Walter Underwood

650 Whittier

684-3488

Michael Underwood

" "

" "

SECRETARY'S REPORT  
CASE NO. BZA 64-84

APPLICANT: Steven Chrysler Plymouth Inc. and Eddy's Toyota of Wichita, Inc., & Edward Steven, 7333 East Kellogg, Wichita, Kansas.

AGENT: Allen McHenry, 1318 Stackman D-1, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the expansion of a new and used car sales lots in the "LC" Light Commercial District.

GENERAL LOCATION: On the south side of Kellogg between Gouverneur and Calhoun (7127 & 7333 East Kellogg).

ZONING: Subject properties are zoned "LC" Light Commercial as are the properties to the west, north and east. Property to the south is "AA" One-family and a portion of the property to the east and west are zoned the "A" Two-family Dwelling District.

LAND USE: Subject properties are occupied by the applicant's existing automobile agencies and additional area not previously approved by the Board. Properties to the south are residential as well as parcels to the east and west. Properties to the north are developed commercially.

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 to permit the expansion of two existing automobile agencies located on the south side of Kellogg between Gouverneur Road and Calhoun. One property being the Chrysler Plymouth agency, and the other the Toyota agency.

The Chrysler Plymouth Agency was first approved by the Board of Zoning Appeals on August 24, 1965 and has been operated under the provisions of Resolution BZA 28-65 which included all of the property zoned "LC" Light Commercial at that time. The owners subsequently obtained an additional 140 feet of "LC" zoning to the south in 1970, but did not follow up with an application to receive the appropriate approval for the use of the property in conjunction with the car agency. This approval for zoning was subject to the entire property being platted into one lot. The property has been used for the storage of automobiles even though improvements required have never been made.

The Toyota agency between Whittier and Calhoun was first approved in 1971. Since that time, at least 4 additional BZA cases have been filed for expansion of the agency. A recent zone change request for additional "LC" zoning on the east side of Whittier has been approved subject to the applicant replatting the entire ownership into one lot. As of this date a plat has not been filed with the planning department.

It should be noted that a number of neighbors have called about problems in the neighborhood created by the car agencies. One of the major problems is created by the lack of employee parking spaces that permit the employees to park off-street prior to the time the main lots are open due to security of the automobiles on the lots. It has been suggested to the applicant's agent that an employee parking lot be provided that is outside of the security fence where new vehicles are stored. This should help relieve some of the congestion created by on-street parking of employees vehicles. It has also been suggested that parking for customers be provided on the properties along the Kellogg frontage due to the congestion created on Kellogg Drive.

The applicant's site plan has shown an employee parking lot on the south 60 feet of Chrysler Addition with a new driveway approach to be installed to both Whittier and Gouverneur Road. It should be noted that the plat of Chrysler Addition shows complete access control for 260 feet on Gouverneur Road and 350 feet on Whittier from the south property line. It is the Secretary's opinion that should a driveway approach be permitted on Whittier, it should not be located any further south than the "LC" Light Commercial District on the east side of the street. Also, any access to Gouverneur Road should be located north of the median break at Orme Street.

It is the Secretary's opinion that the expansion of the use is appropriate subject to the elimination of some of the apparent problems presently created by the applicant's use of the property. This should include provisions for the resolution of the following problems or violations on the property:

1. Adequate off-street parking for both employees and customers to prevent on-street congestion in the neighborhood.
2. Provide a location for the trash dumpster that is presently located on public right-of-way on the east side of Gouverneur Road.
3. Provide a totally screened area for any vehicle parts or scrap that is located outside of the building, that is presently near the body shop area.
4. Remove the trailers, trucks and heavy equipment from the property that is not being stored within the buildings as required by the "LC" Light Commercial District.
5. Request that the applicant instruct all employees and salespersons to use off-street parking for all vehicles, both personal and company.

RECOMMENDATION:

At the time this staff report was prepared, a detailed site plan of the Chrysler property had not been submitted. Unless one is provided in sufficient time to prepare recommendations, the case should be deferred until the meeting of October 23, 1984.

Should the applicant's agent provide a site plan addressing the above problems in time that an adequate review can be made, a list of recommended conditions of approval will be provided at the meeting on September 25, 1984.

-----


BZA CASE NO. 64-84

3 NOTICES SENT TO APPLICANT/AGENT  
10 LEGAL ADVERTISEMENT SENT TO MAPC  
1 NOTICES SENT TO CPO  
39 NOTICES SENT TO ADJOINING PROPERTY OWNERS  
43 TOTAL NOTICES SENT 9-5-84

*Send copy of staff report to*

1

**DONALD R. BOYER**  
ZONE REAL ESTATE MANAGER

**CHRYSLER**  
REALTY CORPORATION

6916 W 96TH STREET, O'ERLAND PARK, KANSAS 66202  
913/432-8393

*and to*  
*Chrysler Realty Corp.*  
*attn: J. J. Baker*  
*5600 New King Street*  
*Suite 550*  
*Tracy, Mo. 64648*

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

September 5, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 64-84

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 Eddy's Toyota of Wichita, Inc., 7333 East Kellogg, Wichita, Kansas (½ Edward M. Steven) and Steven Chrysler Plymouth, Inc., 7127 East Kellogg, Wichita, Kansas (½ Edward M. Steven), requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception for the establishment of a new and used car sales lot on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Chrysler Addition, Lots 1, 2, 4 and the south 50 foot of Lot 5 all in the Keys Addition, Lot 2 except the west 37 feet in the Keys 2nd Addition, and Lot 1 of the E. M. Steven's 3rd Addition. Generally located on the south side of Kellogg, between Gouverneur and Calhoun Drive.

This application has been assigned Case BZA 64-84. It will be considered by the Board of Zoning Appeals on September 25, 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

Ron Boyer, Chrysler Realty Co.  
6916 W. 66 St.  
Overland Park, Kansas 66202

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 64-84  
FILED 8/28/84

APPLICATION FOR EXCEPTION

and  
Steven Chrysler Plymouth Inc.

I. Name of Applicant % Edward M. Steven  
7127 E. Kellogg  
Mailing Address Wichita, Kansas 67207 Phone 683-4473  
Name of Authorized Agent Alan M. McHenry  
1318 Stackman, D01  
Mailing Address Wichita, Kansas 67203 Phone 265-1872  
Relationship of applicant to property is that of tenant  
(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 agency for the display and sale of new & used motor vehicles with a rated 1/2 ton limitation on trucks and a rated 25' length limitation on all other motor vehicles.  
on property zoned LC,  
located 7127 E. Kellogg  
and legally described as: \_\_\_\_\_  
Lot 1 Chrysler Addition

\_\_\_\_\_, in the City of Wichita.

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

Applicant \_\_\_\_\_

Authorized Agent Alan M. McHenry

----- PAGE 2 OF 2

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:35 (a.m. (p.m.)), 8/28, 1984  
together with appropriate fee of \_\_\_\_\_.

Signed Annemarie Boyer

BOARD OF ZONING APPEALS

CASE NO. 64-84

CITY OF WICHITA, KANSAS

FILED 8/28/84

APPLICATION FOR EXCEPTION

I. Name of Applicant Eddy's Toyota of Wichita, Inc.  
Edward M. Steven  
Mailing Address 7333 E. Kellogg 67207 Phone 685-4201  
Wichita, Kansas  
Name of Authorized Agent Alan M. McHenry  
Mailing Address 1318 Stackman, D-1 Phone 265-1872  
Wichita, Kansas 67203  
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 establishment of an automobile agency for the display and sale of new & used motor vehicles with a rated 1/2 ton limitation on trucks and a rated 25' length limitation on all other motor vehicles.  
on property zoned LC,  
located 7333 E. Kellogg  
and legally described as: Lots 1, 2, 4 and the south 50 foot of lot 5 all in Keys addition. Lot 2 except the west 37 in Key's 2nd Addition and Lot 1 E. M. Steven's 2nd addition all being replatted as E. M. Steven's 3rd 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 Alan M. McHenry

PAGE 1 OF 2

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, \_\_\_\_\_ (a.m.-p.m.), \_\_\_\_\_, 19 \_\_\_\_\_ together with appropriate fee of \_\_\_\_\_.

Signed \_\_\_\_\_

WICHITA - SEDGWICK COUNTY

**W.S.C.**

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH TERTIN STREET  
WICHITA, KANSAS 67202

ATTENTION  
NOT KNOWN  
RETURN TO SENDER

*BZA 6/4/84*

WICHITA, KS  
P.M.  
SEP 10  
1984

**RECEIVED**

SEP 10 1984

METROPOLITAN PLANNING

ROUTE      

Diana Conner  
621 Whittier  
Wichita, Ks. 67207

*D.W. ? Booked  
6/4/84 news*

CDN 21 040606N1 09/06/84

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

WICHITA  
SEP-5'84  
KANS  
U.S. POSTAGE  
20  
PB 561826

WICHITA - SEDGWICK COUNTY

**W.S.C.**

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

FORWARDING  
ORDER EXPIRED  
RETURN TO SENDER

*BZA 6/4/84*

WICHITA, KS  
P.M.  
SEP 10  
1984

**RECEIVED**

SEP 10 1984

METROPOLITAN PLANNING

ROUTE      

E. V. & Doreen M. Yingling  
24 Via Roma  
Wichita, Ks. 67230

*602017*

WICHITA  
SEP-5'84  
KANS  
U.S. POSTAGE  
20  
PB 561826



**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 2-21 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
EXCISE TAX	\$ 200.00

NAME ALAN M. H. H. H. H.

ADDRESS 1743 STALLAN D-I WICHITA

FUND 155-9-7-003 DUE DATE 2/25/64

COMMENTS

DATE 2/25/64 BY T. S.

\*

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

Roll # 2