

BZA 10-62 - STERLING MOTOR CO. REQUESTS
EXCEPTION FOR USED CAR LOT IN LC ON
N SIDE OF KELLOGG BET. HYDRAULIC AND
MINNEAPOLIS.

ACTION

DATE

11-27-62

By COMMITTEE

M.A.P.C.

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

R E S O L U T I O N N O . 7 - 6 2

WHEREAS, STERLING MOTOR COMPANY, 1720 EAST KELLOGG, WICHITA, KANSAS, HAS REQUESTED AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT, UNDER THE PROVISIONS OF SECTION 28.04.180.A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE ABOVE REQUEST APPLIES TO PROPERTY LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 7, MCKNIGHT PLACE ADDITION, WICHITA, KANSAS, WHICH IS GENERALLY LOCATED ON THE NORTH SIDE OF KELLOGG IN AN AREA BETWEEN HYDRAULIC AND MINNEAPOLIS; AND

WHEREAS, PROPER NOTICE AS REQUIRED BY ORDINANCE AND BY THE RULES OF THE BOARD OF ZONING APPEALS HAS BEEN GIVEN; AND

WHEREAS, THE BOARD OF ZONING APPEALS DID, IN REGULAR MEETING CONSIDER SAID APPLICATION ON THE 27TH DAY OF NOVEMBER, 1962 AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT IT HAD PROPER JURISDICTION TO CONSIDER SAID REQUEST FOR AN EXCEPTION UNDER THE PROVISIONS OF SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT THE LOCATION IS CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO AND THAT THE AREA IS ZONED "LC" LIGHT COMMERCIAL.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THE REQUEST FOR AN EXCEPTION TO ESTABLISH A USED AND NEW CAR SALES AREA FOR PROPERTY DESCRIBED AS LOTS 9 AND 10, BLOCK 7, MCKNIGHT PLACE ADDITION, IN THE CITY OF WICHITA, KANSAS, IS HEREBY APPROVED AND THE SUPERINTENDENT OF CENTRAL INSPECTION IS HEREBY AUTHORIZED TO ISSUE A PERMIT FOR SAID NEW AND USED CAR SALES AREA, SUBJECT TO THE FOLLOWING:

1. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
2. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING-TYPE LIGHTING SHALL BE PERMITTED.
3. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
4. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT SUCH REPAIR WORK SHALL NOT INCLUDE BODY OR FENDER WORK.
5. NO "PROJECTING SIGNS" (AS DEFINED IN THE SIGN ORDINANCE OF THE CITY OF WICHITA) SHALL BE PERMITTED.
6. INSTALLATION OF A SOLID WALL FENCE ALONG THE NORTH PROPERTY LINE TO PROTECT ABUTTING RESIDENTIAL PROPERTIES. SUCH FENCE TO BE BRICK, MASONRY, WOOD, ARCHITECTURAL TILES OR OTHER SIMILAR MATERIAL COMPATIBLE WITH THE RESIDENTIAL DEVELOPMENT TO THE NORTH. CORRUGATED METAL, ETC. SHALL NOT BE ACCEPTABLE. SUCH "SIMILAR MATERIAL" SHALL BE APPROVED BY THE SECRETARY TO THE BOARD PRIOR TO INSTALLATION. A CORPORATE PERFORMANCE BOND IN THE AMOUNT OF \$1,000, OR OTHER SIMILAR SECURITY, SHALL BE FILED WITH THE CITY CLERK TO GUARANTEE THE INSTALLATION OF SUCH FENCE. THE FENCE SHALL BE CONSTRUCTED WITHIN 60 DAYS OR THE APPROVAL SHALL BE CONSIDERED VOID.

7. SUBMISSION OF A PARKING PLAN COMPLETE WITH ADEQUATE MEANS OF INGRESS AND EGRESS SO AS TO PREVENT THE BACKING OF VEHICLES FROM THE PROPERTY ONTO KELLOGG. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 28.04.140.A).
8. ACCESS AND EGRESS TO THE LOT SHALL BE LOCATED AS FAR TO THE EAST AS POSSIBLE TO REDUCE CONFLICTS WITH TRAFFIC MOVEMENTS AT THE INTERSECTION OF HYDRAULIC, GEORGE WASHINGTON BOULEVARD AND KELLOGG.

ADOPTED AT WICHITA, KANSAS, THIS 27TH DAY OF NOVEMBER,
1962.

E. B. Law

E. B. LAW, CHAIRMAN

ATTEST:

R. A. Lakin

R. A. LAKIN, SECRETARY

SECRETARY'S REPORT

BZA 7-62

GENERAL DESCRIPTION

THE AREA INVOLVED IN THIS CASE IS LOCATED ON THE NORTH SIDE OF KELLOGG BETWEEN HYDRAULIC AND MINNEAPOLIS. THE EAST HALF OF SUBJECT PROPERTY HAS CARS STORED ON IT AND THE WEST HALF IS VACANT. THE USE OF THE LOT FOR USED CAR SALES IS BASED ON AN INTERPRETATION MADE BY THE FORMER SUPERINTENDENT OF BUILDING INSPECTION. AT THE BACK OF LOT 9 THERE IS A BUILDING IN WHICH THE OFFICE IS LOCATED.

TO THE NORTH THERE ARE SINGLE FAMILY AND MULTIPLE FAMILY DWELLINGS. TO THE SOUTH THERE IS A BANK, FOOD RETAIL SALES AND MULTIPLE FAMILY DWELLINGS. ON THE EAST IS AN OFFICE AND MULTIPLE FAMILY DWELLINGS. TO THE WEST THERE IS A DRUG STORE AND COMMERCIAL ART SUPPLY STORE.

SUBJECT PROPERTY IS CURRENTLY ZONE "LC" LIGHT COMMERCIAL. THE EXISTING ZONING TO THE NORTH IS "B" MULTIPLE FAMILY; SOUTH IS "B" MULTIPLE FAMILY; "LC" LIGHT COMMERCIAL AND "C" COMMERCIAL; EAST IS "B" MULTIPLE FAMILY AND "BB" OFFICE DISTRICT; WEST IS "C" COMMERCIAL. PLEASE FIND ATTACHED A MAP SHOWING LAND USE AND ZONING. (SEE MAP No. |).

IN THE LETTER OF APPLICATION, THE APPLICANT STATES THAT HE HAS A VALID LEASE ON THE PROPERTY IN QUESTION AND FURTHER THAT EXTENSIVE IMPROVEMENTS HAVE BEEN MADE ON THE BUILDING AT THE REAR OF LOT 9 AND THAT LOTS 9 AND 10 HAVE BEEN RESURFACED WITH ASPHALT. THE APPLICANT ALSO STATES THAT THERE IS AMPLE ROOM FOR OFF-STREET PARKING. (SEE ATTACHED COPY OF APPLICANT'S LETTER).

SECRETARY'S REPORT
BZA 7-62
PAGE 2

REQUEST

THE REQUEST IS FOR AN EXCEPTION THAT, IF GRANTED, WOULD ALLOW SUBJECT PROPERTY TO BE USED AS USED CAR SALES LOT IN AN "LC" LIGHT COMMERCIAL ZONING DISTRICT AS PROVIDED IN SECTION 28.04.180.A.14.

THE EXCEPTION IS WITHIN THE JURISDICTION OF THE BOARD OF ZONING APPEALS TO GRANT, PROVIDED THAT THE FOLLOWING REQUIREMENTS AS SET FORTH IN SECTION 28.04.180.A.14 ARE COMPLIED WITH.

- A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING-TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.
- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT RESTRICTED, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
- H. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

IN ADDITION TO THESE REQUIREMENTS, OFF-STREET PARKING MUST BE PROVIDED IN ACCORDANCE WITH SECTION 28.04.140.A.12, WHICH CALLS FOR ONE OFF-STREET PARKING SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

SECRETARY'S REPORT
BZA 7-62
PAGE 3

SECRETARY'S OPINION

JURISDICTION: IT IS THE RECOMMENDATION OF THE SECRETARY THAT THE BOARD ACCEPT JURISDICTION ON THIS APPLICATION UNDER THE PROVISIONS OF SECTION 28.04.180.A.14 OF THE CITY CODE.

GENERAL COMMENTS: DUE TO THE TYPES OF EXISTING LAND USE AND ADJACENT ZONING, IT IS THE SECRETARY'S OPINION THAT THE LOCATION OF A USED CAR LOT IN THIS LOCATION IS AN APPROPRIATE USE OF THE LAND. THE GENERAL AREA TO THE WEST IS PRIMARILY DEVELOPED FOR USED CAR AND EQUIPMENT RENTAL LOTS. ADJACENT HOUSING TO THE EAST (ALSO BEING USED FOR OFFICES) WILL NOT ADVERSELY BE AFFECTED IF FLOOD LIGHTS ARE DIRECTED AWAY FROM WINDOW AREAS. PROPERTY TO THE REAR (NORTH) SHOULD BE SCREENED, PREFERABLY BY SOME TYPE OF DENSE FOLIAGE (EVERGREENS, ETC.) OR SOLID WALL TYPE FENCING.

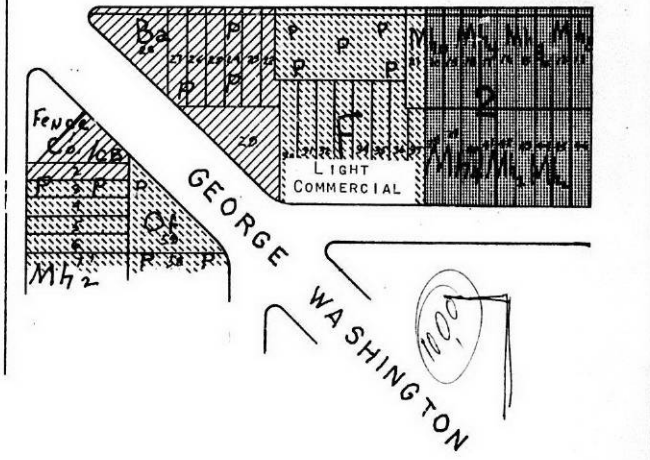
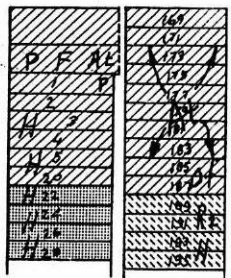
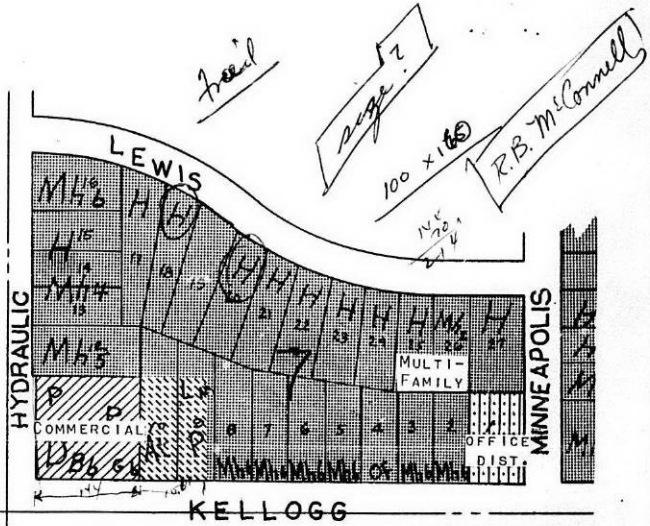
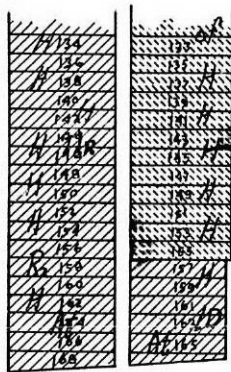
APPROVAL OF THIS CASE SHOULD PROVIDE FOR THE APPROVAL OF A PARKING PLAN FOR OFF-STREET PARKING BY THE TRAFFIC ENGINEER.

ALTHOUGH THE LOT APPEARS TO HAVE ADEQUATE AREA FOR OFF-STREET PARKING, SOME INSURANCE SHOULD BE GRANTED THE BOARD THAT ADEQUATELY LOCATED SPACES ARE RESERVED FOR CUSTOMER PARKING AND THAT INGRESS AND EGRESS IS SUCH THAT CUSTOMERS WILL NOT HAVE TO, OR BE TEMPTED TO, BACK OUT INTO THE HEAVY KELLOGG TRAFFIC. (THIS CAN BEST BE ACCOMPLISHED BY A FORMAL PARKING PLAN AND CHANNELIZED INGRESS AND EGRESS AREAS.) THE BOARD MAY EITHER DEFER THIS MATTER TO ALLOW THE APPLICANT TO PREPARE AND SUBMIT SUCH A PLAN OR THEY MAY ELECT TO APPROVE THE APPLICATION SUBJECT TO AN OFF-STREET PARKING PLAN BEING SUBMITTED, APPROVED AND INSTALLED.

SECRETARY'S RECOMMENDATION

IT IS THE RECOMMENDATION OF THE SECRETARY THAT THE BOARD APPROVE THIS APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS:

1. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
2. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING-TYPE LIGHTING SHALL BE PERMITTED.
3. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
4. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.
5. NO PROJECTING SIGNS (AS DEFINED IN THE SIGN ORDINANCE OF THE CITY OF WICHITA) SHALL BE PERMITTED.
6. INSTALLATION OF A SOLID WALL FENCE ALONG THE NORTH PROPERTY LINE TO PROTECT ABUTTING RESIDENTIAL PROPERTIES. SUCH FENCES TO BE BRICK, MASONRY, ~~WOOD~~, ARCHITECTURAL TILES OR OTHER SIMILAR MATERIAL COMPATIBLE WITH THE RESIDENTIAL DEVELOPMENT TO THE NORTH. CORRUGATED METAL, ETC. SHALL NOT BE ACCEPTABLE. SUCH "SIMILAR MATERIAL" SHALL BE APPROVED BY THE SECRETARY TO THE BOARD PRIOR TO INSTALLATION.
7. SUBMISSION OF A PARKING PLAN COMPLETE WITH ADEQUATE MEANS OF INGRESS AND EGRESS SO AS TO PREVENT THE BACKING OF VEHICLES FROM THE PROPERTY ONTO KELLOGG. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 26.04.140.A.).



BZA 7-62 LAND USE • ZONING..

M.1

STERLING MOTOR CO.
1720 E. Kellogg
WICHITA, KANSAS

October 29, 1962

Board of Zoning Appeals,
City Building,
Wichita, Kansas.

Gentlemen,

We are pleased to attach hereto "Application For Exception" form, in duplicate, together with an opinion from our attorney, Lloyd K. Kasey, as to the existence of a valid lease by us and a listing from the Security Abstract & Title Co., Inc., of the names and addresses of all property owners within 200 feet of the property included within the application.

Since occupying the property, included within the application Sterling Motor Co. has made extensive improvements. Both lots 9 and 10 have been resurfaced with asphalt. The building already on the rear of lot 9 has been repainted, both inside and outside. Three picture windows have been installed on the front of the building and an aluminum awning over the front, resulting in a very attractive building. The premises are kept clean and orderly, at all times. We have ample space for off-street parking.

We are making this "Application For Exception" to enable us to utilize, as fully as possible, the space covered by our leases on both lots. We are familiar with the restrictions and requirements of the Appropriate Section of the Zoning Ordinance and we most heartily agree to abide thereby.

Your consideration is respectfully requested.

Yours very truly,

DECEMBER 10, 1962

STERLING MOTOR COMPANY
1720 EAST KELLOGG
WICHITA, KANSAS

GENTLEMEN:

SUBJECT: BZA 7-62

ON NOVEMBER 28, 1962, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED SUBJECT APPLICATION FOR AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT ESTABLISHMENT OF A USED CAR LOT ON PROPERTY LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 7, MCKNIGHT PLACE ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF KELLOGG IN AN AREA JUST EAST OF HYDRAULIC.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE DECEMBER 6, 1962.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,


ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

cc: GLEN LYTLE
SUPT. CENTRAL INSPECTION

WICHITA SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE

DECEMBER 4, 1962

TO C. H. FUNK, CITY CLERK

FROM ROBERT A. LAKIN, SENIOR PLANNER

SUBJECT BOARD OF ZONING APPEALS CASES 7-62 AND 8-62

ATTACHED ARE COPIES OF BZA RESOLUTIONS 7-62 AND 8-62
COVERING GRANTING FOR EXCEPTIONS FOR USED CAR LOTS. THESE
CASES WERE HEARD ON NOVEMBER 27, 1962. AN APPEAL MAY BE
FILED IN YOUR OFFICE ON OR BEFORE DECEMBER 7, 1962. IF AN
APPEAL ON EITHER OF THESE CASES IS FILED, PLEASE ADVISE.

Robert A. Lakin
ROBERT A. LAKIN
SENIOR PLANNER

RALSAN
ATTACHMENTS

NOVEMBER 28, 1962

STERLING MOTOR COMPANY
1720 EAST KELLOGG
WICHITA, KANSAS

GENTLEMEN:

SUBJECT: BZA 7-62

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF NOVEMBER 27, 1962, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT ESTABLISHMENT OF A USED CAR LOT ON PROPERTY LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 7, MCKNIGHT PLACE ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF KELLOGG IN AN AREA JUST EAST OF HYDRAULIC.

AFTER DISCUSSION, IT WAS THE ACTION OF THE BOARD OF ZONING APPEALS TO APPROVE YOUR REQUEST, SUBJECT TO CERTAIN CONDITIONS WHICH WILL BE SHOWN IN THE RESOLUTION FORWARDED TO YOU AFTER THE APPEAL PERIOD HAS EXPIRED.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE DECEMBER 7, 1962.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE DECEMBER 7, 1962, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF CENTRAL INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMIT.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RALSBER
CC: C. H. FENK, CITY CLERK
GLEN LYTLE, SUPERINTENDENT
CENTRAL INSPECTION

STERLING MOTOR CO.
1720 E. Kellogg
WICHITA, KANSAS

October 29, 1962

Board of Zoning Appeals,
City Building,
Wichita, Kansas.

Gentlemen,

We are pleased to attach hereto "Application For Exception" form, in duplicate, together with an opinion from our attorney, Lloyd M. Kagey, as to the existence of a valid lease by us and a listing from the Security Abstract & Title Co., Inc, of the names and addresses of all property owners within 200 feet of the property included within the application.

Since occupying the property, included within the application Sterling Motor Co. has made extensive improvements. Both lots 9 and 10 have been resurfaced with asphalt. The building already on the rear of lot 9 has been repainted, both inside and outside. Three picture windows have been installed on the front of the building and an aluminum awning over the front, resulting in a very attractive building. The premises are kept clean and orderly, at all times. We have ample space for off-street parking.

We are making this "Application For Exception" to enable us to utilize, as fully as possible, the space covered by our leases on both lots. We are familiar with the restrictions and requirements of the Appropriate Section of the Zoning Ordinance and we most heartily agree to abide thereby.

Your consideration is respectfully requested.

Yours very truly,

Naral Sterling



NOTICES MAILED TO ADJOINING PROPERTY OWNERS NOVEMBER 8, 1962 B2A-7-62

STERLING MOTOR COMPANY (APPLICANT)
1720 EAST KELLOGG

FRED C. CARLISLE
517 SOUTH BLUFF

WILLIAM H. STEFFENS
HEDWIG STEFFENS
536 SOUTH YALE

HARLEY DOTSON
5462 ARMSTRONG

SHERRILL BOUCHER
601 SOUTH CLIFTON

BENNIE C. WICKHAM
VIOLET WICKHAM
1811 IDA AVENUE

DUNN INVESTMENT COMPANY
125½ NORTH TOPEKA

WAVA L. ALBAUGH
2119 EAST KELLOGG

CLARENCE W. RECTOR
E. FRANCES RECTOR
304 INDIANAPOLIS

ROBERT J. CLEVELAND
ELLA CLEVELAND
2116 MESITA DRIVE

RAYMOND E. DEWEY
SYLVIA G. DEWEY
454 WAVERLY DRIVE

IDA BELLE PRICE
JESSE O. PRICE
1715 EAST LEWIS

MAX M. FRIED
HENRIETTA T. FRIED
1721 EAST LEWIS

MARGARET O. BOND
EDITH R. YOUTSEY
LEORA YOUTSEY
1731 EAST LEWIS

WILLIAM FINSKER
SARAH JANE FINSKER
1735 EAST LEWIS

EMMA B. DAVIS
R. J. DAVIS
1801 EAST LEWIS

LUTHER EARL MILLER
1807 EAST LEWIS

JOHN HANCOCK MUTUAL LIFE INS. CO.
212 SOUTH MARKET

SIDNEY L. FOULSTON
PAULINE D. FOULSTON
231 SOUTH PARKWOOD

PAULINA WENDEL
2432 NORTH BELMONT

BOARD OF ZONING APPEALS
ROOM 401 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

NOVEMBER 8, 1962

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR AN EXCEPTION TO THE ZONING ORDINANCE HAS BEEN FILED BY STERLING MOTOR COMPANY, 1720 EAST KELLOGG, WICHITA, KANSAS, REQUESTING AN EXCEPTION AS PROVIDED IN SECTION 2.12.560 ET SEQ.; AND SECTION 28.04.180.A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS, TO PERMIT THE INSTALLATION ON CONSTRUCTION OF USED CAR SALES LOT ON PROPERTY ZONED "LC", LOCATED AT 1720 EAST KELLOGG, LEGALLY DESCRIBED AS:

LOTS 9 AND 10, BLOCK 7, MCKNIGHT PLACE ADDITION,
IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,
AND GENERALLY LOCATED ON THE NORTH SIDE OF
KELLOGG IN AN AREA JUST EAST OF HYDRAULIC.

SUBJECT PROPERTY IS ZONED "LC".

THE BOARD MAY GRANT APPROVAL IF IT DESIRES, SUBJECT TO THE FOLLOWING CONDITIONS:

1. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
2. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
3. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
4. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTIES. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
5. NO PROJECTING SIGNS SHALL BE PERMITTED.
6. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
7. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
8. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

NOTICE TO ADJOINING PROPERTY OWNERS
CASE BZA 7-62

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 7-62. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, NOVEMBER 27, 1962, AT 1:45 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT WHICH TIME YOU MAY APPEAR, IF YOU SO DESIRE, EITHER IN PERSON OR BY AGENT OR ATTORNEY, TO EXPRESS YOUR VIEWS AND WISHES IN THIS CASE.

ROBERT A. LAKIN, SECRETARY
BOARD OF ZONING APPEALS

LAW OFFICES
LLOYD M. KAGEY
SUITE 126 UNION CENTER BUILDING
WICHITA 2, KANSAS
AMHERST 4-2855
AREA CODE 316

October 26, 1962

Messrs. Darol Sterling and R. B. McConnell
Wichita, Kansas

Gentlemen:

I have examined the two leases, which you handed to me for an opinion, one of which purports to be a copy of a lease, and the other an original.

The lease agreement covering Lot 10, Block 7, McKnight Place Addition to the City of Wichita, Sedgwick County, Kansas, a/k/a 1718 East Kellogg Avenue, is to Darol Sterling and was executed on December 24, 1959, and runs from January 1, 1960, to January 1, 1965, at a gross rental of \$7,500.00, payable in advance, in monthly installments of \$125.00 each, payable on the first day of the month. This lease was executed on a printed form which, of course, has printed conditions favorable to the lessor, and which contains the customary terms with reference to occupancy of said premises.

You have the right to an extension of the lease for 15 years, by giving 90 days notice, in writing, prior to the original expiration date of January 1, 1965, which would of course require you to notify the lessor of any intention to renew, not later than September 30, 1964.

In my opinion, this is a valid lease and is binding on both the lessor and the lessee.

With reference to the lease on Lot 9, (described in the lease as 1722 East Kellogg) between B. C. Wickham and Violet A. Wickham, lessors, and Darol Sterling, lessee, the term of said lease



Messrs. Darol Sterling and R. B. McConnell
October 26, 1962
Page 2

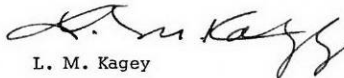
is from May 29, 1961, to December 31, 1964 (3 years, 7 months) for a gross rental of \$7,525.00, payable in monthly installments of \$175.00, commencing on June 1, 1961, with right of renewal for 15 years at the "same rental" (\$175.00).

This lease also carries with it the right to assign said lease upon notice. There is a prohibition in this lease against the use of the premises as a tavern or liquor store. In the investment company lease, above referred to, the use of the premises are confined to the automobile business.

In my opinion, the lease from the Wickhams is a legal and valid lease.

Both leases cover adjoining lots, with the improvements on Lot 9, consisting of a building.

Very truly yours,



L. M. Kagey

LMK:vh

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE — FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
Lisc. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
Plan. _____ Plb'g _____ Plb'g Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____

CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT Sterling Motor Co.

MAILING ADDRESS 1720 E. Kellogg, Wichita, Kans. PHONE FO 32944

NAME OF AUTHORIZED AGENT _____

MAILING ADDRESS _____ PHONE _____

(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Lessee
(OWNER, TENANT, LESSEE, OTHER))

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION
28.04.180A (14), CODE OF THE CITY OF WICHITA, KANSAS,
(ZONING ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION OF
Used Car Sales Lot

ON PROPERTY ZONED L.C.; LOCATED AT 1720

E. Kellogg, AND LEGALLY DESCRIBED AS LOT(S)

9 & 10, Block (or) 7

McKnight Place ADDITION.

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT:

- A. ACKNOWLEDGES RECEIPT OF AN INSTRUCTION SHEET RELATING TO THIS APPLICATION FOR AN EXCEPTION;
- B. AGREES TO CONFORM TO ALL REQUIREMENTS OF THE APPROPRIATE SECTION OF THE ZONING ORDINANCE IF THIS APPLICATION IS APPROVED;
- C. DECLARES THAT ALL REQUIRED SUPPORTING DOCUMENTS OR INFORMATION ARE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION;
- D. ACKNOWLEDGES THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF ZONING APPEALS TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THE DATE OF THAT DECISION.

Reard Sterling
APPLICANT

AUTHORIZED AGENT



M. M. Martin
SIGNED

OWNERSHIP LIST

LOT	BLOCK	ADDITION	PROPERTY OWNERS
5	7	McKnight Place	Fred C. Carlisle 517 S. Bluff
6	"	"	Virginia H. Perry No Address Available X
7	"	"	William F. Steffens Hedwig Steffens 536 S. Yale
8	"	"	William H. Steffens Hedwig Steffens Betty Ferguson X No Address Available Harley Dotson 5462 Armstrong Sherrill Boucher 601 S. Clifton
9	"	"	Bennie C. Wickham Violet Wickham 1811 Ida Ave. Betty Ferguson Harley Dotson X Sherrill Boucher
10	"	"	Dunn Investment Co. 125½ N. Topeka
11	"	"	"
12	"	"	Wava L. Albaugh 2119 E. Kellogg
13	"	"	Clarence W. Rector E. Frances Rector 304 Indianapolis
14	"	"	"
15	"	"	Robert J. Cleveland Ella Cleveland 2116 Mesita Drive
16	"	"	Raymond E. Dewey Sylvia G. Dewey 454 Waverly Drive

Beg NW/c Lot 17, Blk 7
th S to SW/c Lot 17; th E
to SW/c Lot 18; th SErly
along S ln Lot 18 dist 19½'
th NErly parallel with W ln
Lot 18 a dist 66½'; th Wly to
pt on W ln Lot 18 62½' from SWly
cor Lot 18 th Nly to pt 35' N S
ln Lot 14 ext E th NWly to pt 8'
E of W ln Lot 17 & 48.5' N of S ln
Lot 14 ext. th N to N ln Lot 17 th W
to beg



Raymond E. Dewey
Sylvia G. Dewey

Continued -2-

Beg NE/c Lot 17, Blk 7 th S along E ln sd Lot to a pt 35' N of S ln of Lot 14 ext E; th NWly in a straight ln to a pt 8' E & 48.5' N of SE/c Lot 14' th N parallel to W ln sd Lot 17 to S ln Lewis St. th SEly along S ln Lewis St. to beg.	McKnight Place	Ida Belle Price Jesse O. Price 1715 E. Lewis	
Lot 18 ex beg At SW/c Lot 18, Blk 7 th SEly along S ln Lot 18 a dist of 19½' th NE ly 66½' from SW/c th S along W ln of Lot 18 to pt of beg.	"	Max M. Fried Henrietta T. Fried 1721 E. Lewis	
19	Block 7	"	Chlodine S. Rynder X No Address Available
20	"	"	Margaret O. Bond Edith R. Youtsey Leora Youtsey 1731 E. Lewis
21	"	"	William Pinsker Sarah Jane Pinsker 1735 E. Lewis
22	"	"	Emma B. Davis R. J. Davis 1801 E. Lewis
23	"	"	Luther Earl Miller 1807 E. Lewis
24	"	"	Jessie Salmans X
22	2	Kellogg Terrace	John Hancock Mutual Life Insurance Co. 212 S. Market (General Agent)
23	"	"	"
24	"	"	"
25 except W 5'	"	"	"
25 W 5'	"	"	Sidney L. Foulston Pauline D. Foulston 2311 S. Parkwood Paulina Wendel 2432 N. Belmont
26	"	"	"
27	"	"	"

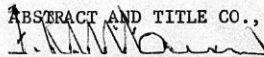
Continued -3-

28	2	Kellogg Terrace	Sidney L. Foulston Pauline D. Foulston 231 S. Parkwood Paulina Wendel 2432 N. Belmont
29 that part ly" W of the E ln of the W 5' of Lot 25 Blk 2, extended S		"	"
29 except that " part ly W of the E ln of the W 5' of Lot 25 Blk 2, extended S.		"	John Hancock Mutual Life Insurance Co.
30	"	"	"
31	"	"	"
1	6	"	Sidney L. Foulston Pauline D. Foulston Paulina Wendel
2	Ave A	Motor Line	John Hancock Mutual Life Insurance Co.
4	"	"	"
6	"	"	"
8	"	"	"
E 30' adj on W of Lots 2-4-6- 8, sd 30' being vac. street	"	"	"

We hereby certify the foregoing to be a true and correct
List of Property Owners within a two hundred foot radius of Lots 9 and
10, Block McKnight Place an Addition to Wichita, as shown by the records
in the Office of the Register of Deeds of Sedgwick County, Kansas, on this
the 25th day of October, A.D., 1962 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE CO., INC.

By



Vice President

Order No. 98287