

ACTION

B.Z.A. 9-87 Approved 4/28/87
DATE

200' x 4' Sec 6-30-87
Shot 7-27-87
Record ✓

Case No. BZA 9-87 - T.J. & Leta F. Cunningham request an exception to permit the establishment of an automobile sales lot on property located on the northwest corner of Clark & Broadway.

Posted 3-31-87
6:52

ACTION

B.Z.A. 9-87 APPROVED 4/28/87
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200' 4 Sec 6-30-87
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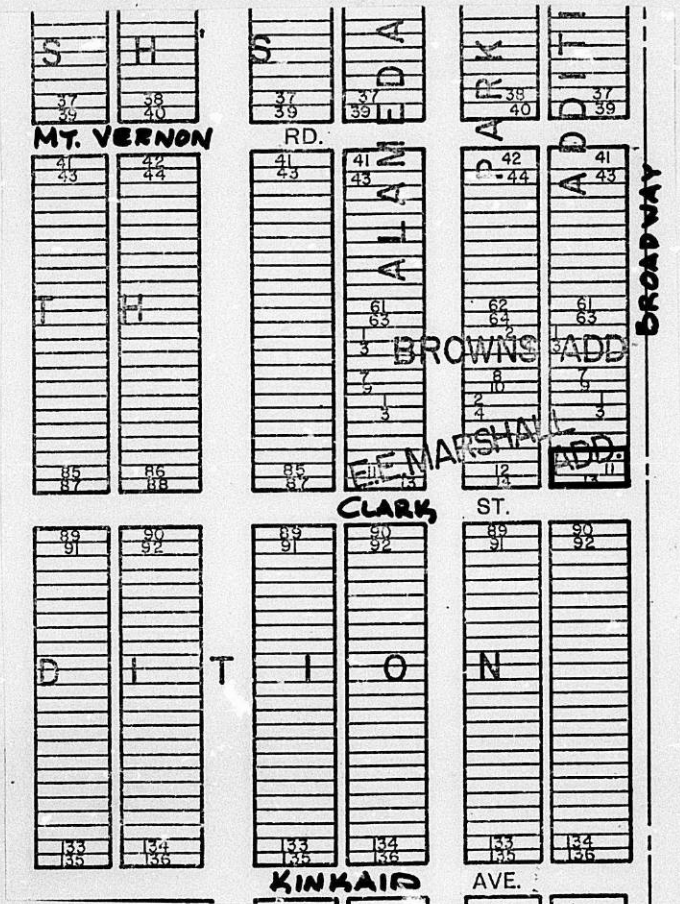
Case No. BZA 9-87 - T.J. & Leta F. Cunningham request an exception to permit the establishment of an automobile sales lot on property located on the northwest corner of Clark & Broadway.

Map No. 5445 B

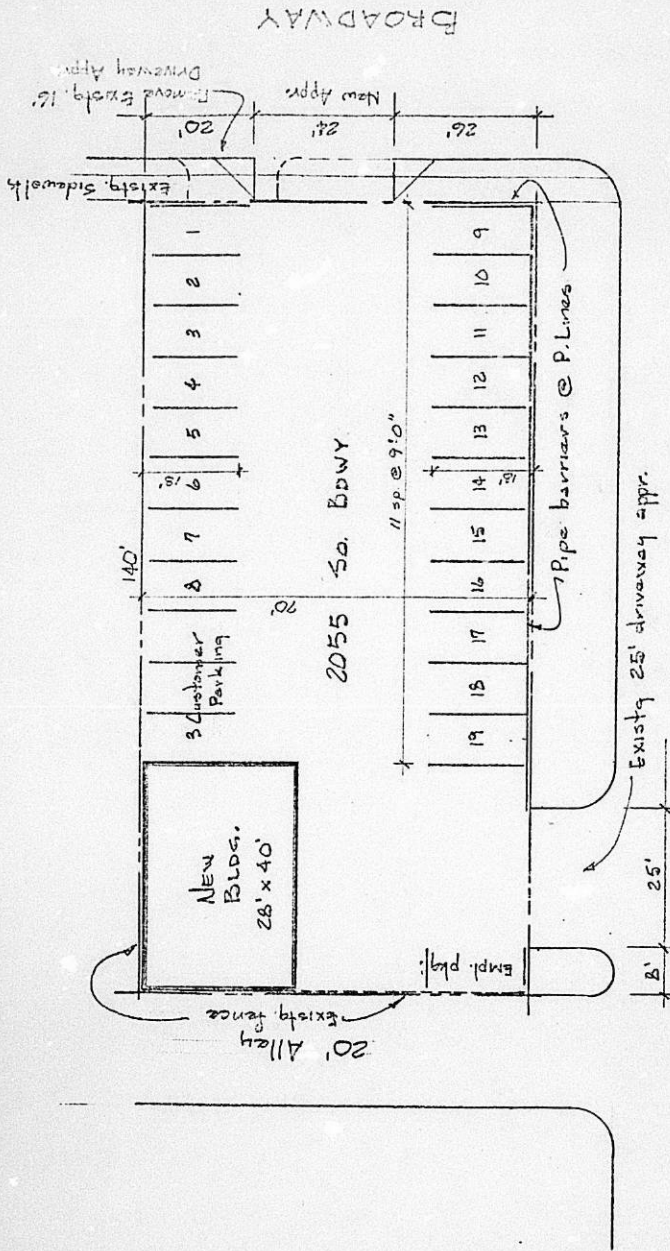
BZA 9-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" S "LC" W "A" N "LC"
3. Land Use: East Comm South Auto sales
West I-F North Resid.
4. Area (is) ~~(is not)~~ platted.



Standard
No. 2153C
HASTINGS, MI
LOS ANGELES-CHICAGO-LOGAN, OH
MEMPHIS, TX-COURT GROVE, GA
U.S.A.

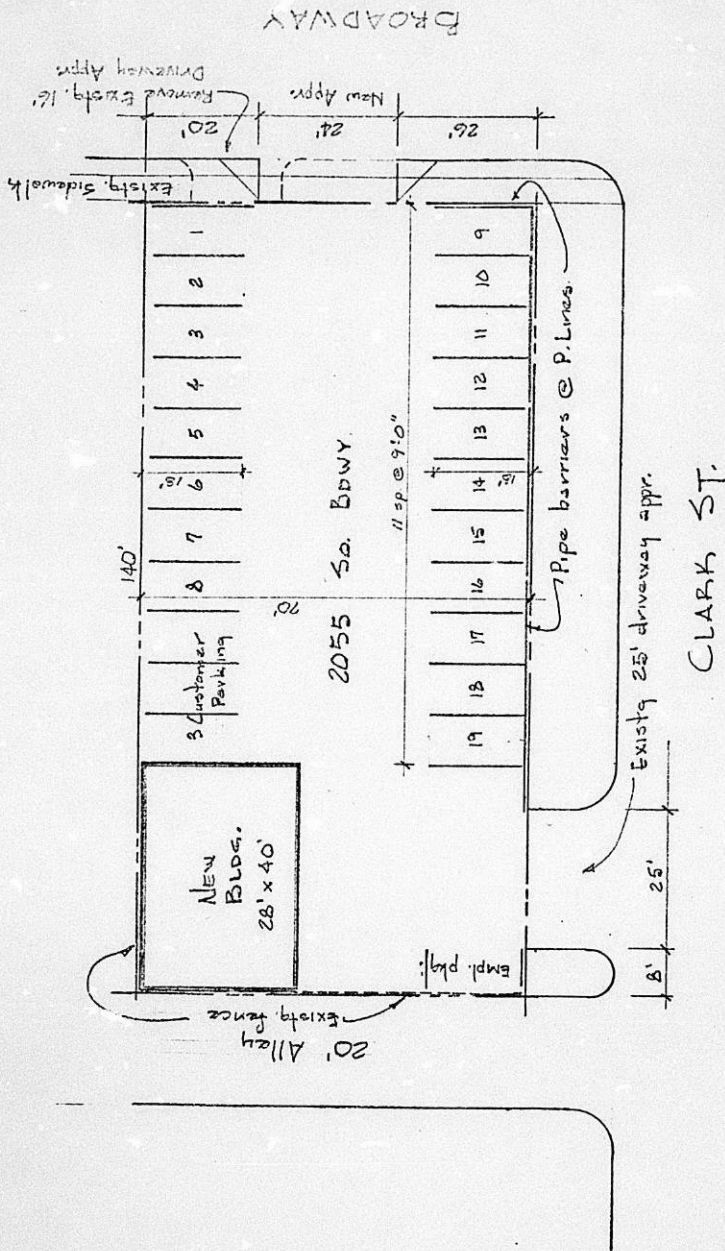


CLARK ST.

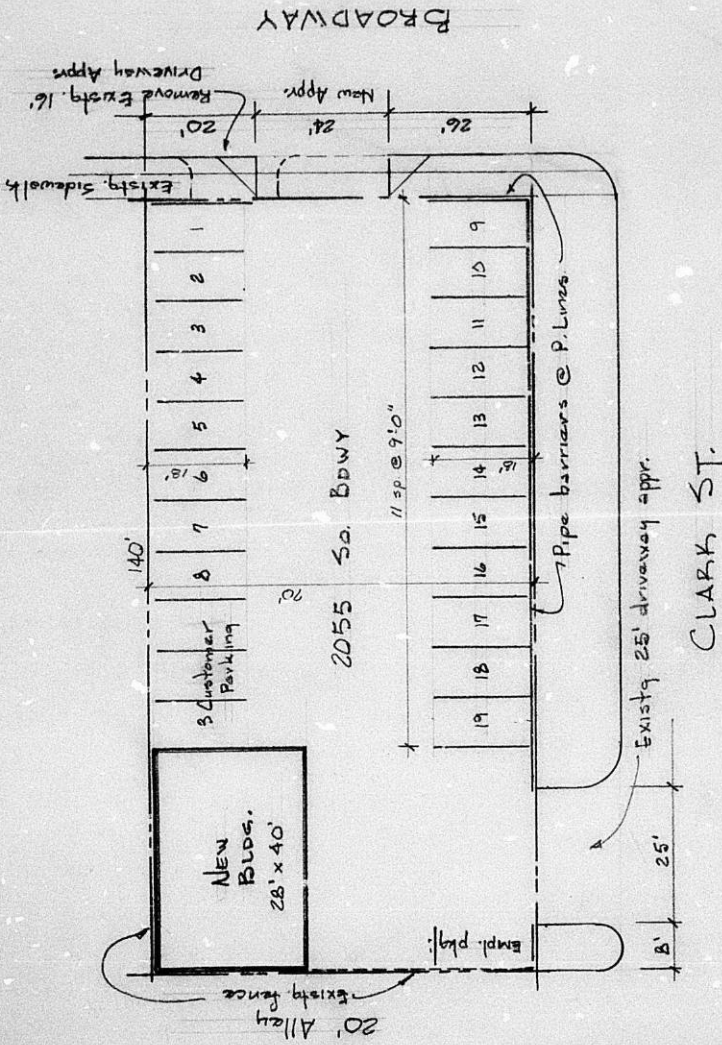
SITE PLAN
1" = 20'-0"



ALTA SITE PLAN



SITE PLAN
 1" = 20'-0"



SITE PLAN
1" = 20'-0"

AUTO SALES LOT
FOR
T.J. & LETA CUNNINGHAM

4-14-87
R2A 9-87

May 6, 1987

Mr. and Mrs. T. J. Cunningham
1457 South Bebe
Wichita, Kansas 67209

Re: BZA 9-87 - Request for Exception

Dear Mr. and Mrs. Cunningham:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 28, 1987.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

Enclosure

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

PL/0144/1

RESOLUTION CASE NO. 9-87

WHEREAS, T. J. and Leta F. Cunningham, 1457 South Bebe, Wichita, Kansas 67209, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 9, 11 and 13, Lawrence Avenue, now Broadway,
E. E. Marshall Addition to Wichita, Sedgwick County,
Kansas. Generally located on the northwest corner of
Clark and Broadway.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of April 28, 1987, consider said application; and

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

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

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

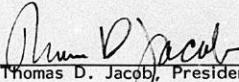
Lots 9, 11 and 13, Lawrence Avenue, now Broadway,
E. E. Marshall Addition to Wichita, Sedgwick County,
Kansas. Generally located on the northwest corner of
Clark and Broadway.

subject to the following conditions:

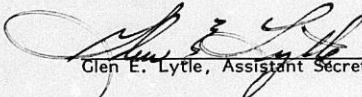
1. All off-street parking spaces, circulation aisles, display and storage areas shall be surfaced with concrete, asphalt or asphaltic concrete as required by the zoning ordinance and maintained in good condition.
2. The applicant shall stripe and mark the lot in accordance with a site plan approved by the Traffic Engineer. The required off-street parking spaces shall be designated as customer and employee parking and shall not be used for storage or display of vehicles.
3. All repair work shall be conducted entirely within an enclosed building.
4. No new buildings shall be located closer than 55 feet to Broadway right-of-way and 15 feet from Clark Street right-of-way.
5. All driveway approaches not approved by the Traffic Engineer shall be removed and the curb reconstructed.
6. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. A six-foot high screening fence of wood, metal or masonry shall be constructed along the west property line.

10. All requirements as set forth in this resolution shall be complied with by November 1, 1987, and in any case prior to the occupancy of the property as an automobile sales lot.
11. Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1987.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE April 24, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III *Sm*

SUBJECT BZA 9-87: Northwest corner of
Clark and Broadway

Please note that CPO Council District 3A was scheduled to consider the captioned case at its April 22nd meeting. The Council voted 6-3 to not make a recommendation on the case because the applicant was not present to explain the application.

No adjoining property owners or area residents were present concerning the case.

SAM:dm

SECRETARY'S REPORT
CASE NO. BZA 9-87

APPLICANT: T. J. & Leta F. Cunningham, 1457 S. Bebe, Wichita, KS 67209

AGENT: None.

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit the establishment of an automobile sales business.

GENERAL LOCATION: On the northwest corner of Broadway and Clark Street.

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

LAND USE: Subject property is occupied by an existing house that is to be removed. Property to the south is an automobile sales business. To the west and north are residential uses. To the east is mixed commercial development.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to establish an automobile sales business on the property which is zoned the "LC" Light Commercial District. The property is located across the street north from a property that was approved for automobile sales in 1963.

The applicant has recently purchased this property with the sole intention of utilizing the property for his automobile sales business. The applicant intends to improve the property and has submitted a site plan that indicates that the property can be adequately utilized as a sales lot in compliance with the ordinance. The property is located on a major street (Broadway) and is in an area where other similar uses have been approved.

The present structures on the property are to be removed and a new building constructed for an office. Rather than requiring the applicant to dedicate additional right-of-way for Broadway, it is suggested that a reasonable building setback for any future building should be established.

RECOMMENDATION:

Should the Board determine that the use is appropriate at this location, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. All off-street parking spaces, circulation aisles, display and storage areas shall be surfaced with concrete, asphalt or asphaltic concrete as required by the zoning ordinance and maintained in good condition.
2. The applicant shall stripe and mark the lot in accordance with a site plan approved by the Traffic Engineer. The required off-street parking spaces shall be designated as customer and employee parking and shall not be used for storage or display of vehicles.
3. All motor repair work shall be conducted entirely within an enclosed building.

4. No new buildings shall be located closer than 55 feet to Broadway right-of-way.
5. All driveway approaches not approved by the Traffic Engineer shall be removed and the curb reconstructed.
6. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. A six-foot high screening fence of wood, metal or masonry shall be constructed along the west property line.
10. Any new building shall not be located closer than 35 feet to Broadway or 15 feet from Clark Street.
11. All requirements as set forth in this resolution shall be complied with by November 1, 1987, and in any case prior to the occupancy of the property as an automobile sales lot.
12. Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.

BZA CASE NO. 9-87

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>23</u>	TOTAL NOTICES SENT <u>4/2/87</u>

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

April 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 9-87

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 T. J. and Leta F. Cunningham, 1457 South Bebe, Wichita, Kansas 67209, requesting an exception.

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

Lots 9, 11 and 13, Lawrence Avenue, now Broadway,
E. E. Marshall Addition to Wichita, Sedgwick County,
Kansas. Generally located on the northwest corner of
Clark and Broadway.

This application has been assigned Case No. BZA 9-87. It will be considered by the Board of Zoning Appeals on April 28, 1987 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "3A" will consider this case at their meeting to be held on Wednesday, April 22, 1987, at 7 p.m., in the Linwood Community Center, 1901 South Kansas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary

APPLICATION FOR EXCEPTION

I. Name of Applicant T. J. CUNNINGHAM
ETA F. CUNNINGHAM
Mailing Address 1457 S. BeBe Phone 942-1727
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of CONTRACT PURCHASER
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of Auto Sales Lot
(USED AUTOS)

on property zoned "LC" LIGHT COMMERCIAL DISTRICT,
located ON NORTHWEST CORNER OF BROADWAY & CLARK
and legally described as: LOTS 9-11-B, LAWRENCE AVE, EF MARSHALL
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. 39-285); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant T. J. Cunningham

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
7:45 (a.m.) p.m.), 3-27, 1987, together with appropriate
fee of \$400.

Signed Barbara Harris, Senior Planner

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lots 1 & 3		The E. E. Marshall Addition to Wichita, Kansas, on Lawrence, now Broadway	✓ Kirk L. Manuel 317 Carlyle Wichita, KS 67217
Lots 5 & 7		"	✓ V & K Properties, a limited partnership 2246 Columbine Wichita, KS 67204
Lots 9, 11 & 13		"	✓ C. V. Burkett Ruby H. Burkett c/o Ardeen B. Casado 2055 S. Broadway Wichita, KS 67211
Lots 2 & 4		" on Market	✓ Wilfred E. Rutledge Chloe G. Rutledge 2046 S. Market Wichita, KS 67211
Lots 6, 8 & 10		"	✓ First Wesleyan Methodist Church 1700 S. Market Wichita, KS 67211
Lots 12 & 14		"	✓ First National Bank in Wichita, Trustee 105 N. Main Wichita, KS 67202
Lots 1 & 3	Block 1	Brown's Addition on Lawrence, now Broadway	✓ Doris Evelyn Moorhouse c/o John R. Moorhouse 1747 N. Illinois Wichita, KS 67203
Lots 5, 7 & 9	Block 1	"	✓ Robert F. Oliver Bertha L. Oliver 1350 Lark Lane Wichita, KS 67212
			✓ Notice of Interest filed 10-2-80: Robert N. Buzzi 6308 E. Murdock Wichita, KS 67208
			✓ Notice of Interest filed 7-9-81: Raman Khusal Jashumati Raman Bhakta 2035 S. Broadway Wichita, KS 67218

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 2 & the North 14 feet of Lot 4	Block 1	Brown's Addition, on Market	✓ A. J. Brown Fern Brown 2030 S. Market Wichita, KS 67211
The South 11 feet of Lot 4 & the North 9 feet of Lot 6	Block 1	"	Same As Above
The South 16 feet of Lot 6, & all of Lots 8 & 10	Block 1	"	Loretta Bursch f/k/a Loretta J. Carson Address Unknown
Lots 89, 91, 93 & 95		English's 9th Addition, on Market	✓ Michael A. Lindsey Janice M. Lindsey 2131 S. Broadway Wichita, KS 67211
Lots 97 & 99		"	✓ Marsha K. Delfs 2118 S. Market Wichita, KS 67211
Lots 90, 92, 94 & 96		" on Lawrence, now Broadway	✓ John L. Hitchings Lou Ann Hitchings 2901 E. Kinkaid Wichita, KS 67211
Lots 98 & 100		"	✓ Glen S. Skipworth 601 E. 71st St. South Wichita, KS 67233
Lots 1 & 3		Farnum's Addition, on Lawrence, now Broadway	✓ Briggs, Inc. 2102 S. Broadway Wichita, KS 67211
Lots 5 & 7		"	✓ Sherry S. Marks 1802 S. Broadway Wichita, KS 67211
Lot 9		"	✓ Howard W. Sharon Jewell P. Sharon 2112 S. Broadway Wichita, KS 67218
Lot 1		Turley's Addition, on Lawrence, now Broadway	✓ Wichita Inn Motel Systems, Inc. 2020 S. Broadway Wichita, KS 67211
Lots 2 & 3		"	✓ Homer Morgan 602 S. Bluff Wichita, KS 67218
Lots 4, 5 & 6		"	✓ J. W. Baum Dolores J. Baum 3542 W. 16th Wichita, KS 67203

Page 3

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

Lots 9, 11 and 13, Lawrence Avenue, now Broadway, E. E. Marshall Addition to Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 19th day of March, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Isable

By

Sr. Vice-President

Order No. 376901
nj

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-021 PAYMENT NOTICE
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT
<i>1234 5678 9012</i>	<i>1234.56</i>
<i>9876 5432 1098</i>	<i>7654.32</i>

NAME: _____
 ADDRESS: _____
 FUND: _____ DUE DATE: _____
 COMMENTS: _____
 DATE: _____ BY: _____

WICHITA - SEDGWICK COUNTY
 BOARD OF ZONING APPEALS
 CITY HALL - TENTH FLOOR
 455 NORTH MAIN STREET
 WICHITA, KANSAS 67202-1688

PRESORTED
 FIRST-CLASS



RECEIVED
 APR 27 1987
 METROPOLITAN PLANNING
 ROUTE
 ATTEMPTED-NOT KNOWN

C. V. Burkett
 Ruby H. Burkett
 c/o Ardeen B. Casado
 2055 S. Broadway
 Wichita, KS 67211

Vacant
1042/1107
asa

9-87