

*Posted
3-15-80*

*BZA
12-80*

ACTION

COMMITTEE Approved DATE 3-25-80

M.A.P.C. _____

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

6850 C

100'4 Sec 3-1-83

Checked 3-3-83

Shot 3-4-83

Recorded 3-14-83

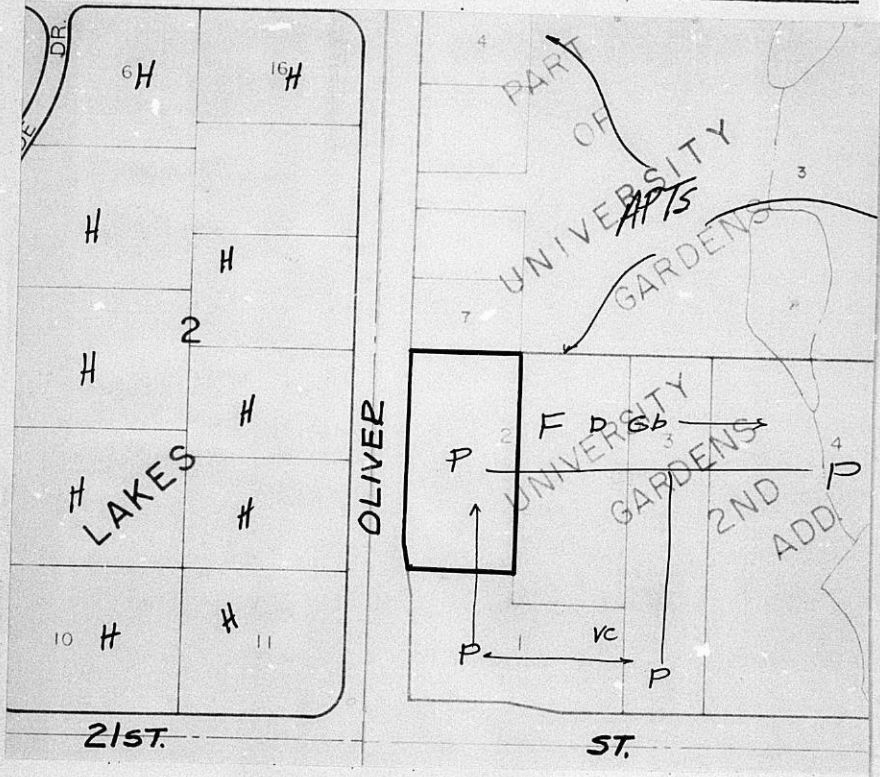
Case No. BZA 12-80 - Dillon Real Estate Co., Inc., % Leon Deaver, requests an exception to permit the establishment of an off-street parking lot (delete previous condition of BZA case 2-70 that

Map No. 5850
 Sec. 1
 Twp. 27
 Range 1E

BZA- 12-80
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: 1.8 (200 ft. by 397 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South _____
 West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted. _____

PHOTO DATA:
 Taken by _____ Date _____ Time _____



April 2, 1980

Everett C. Fettis
504 One Twenty Building
Wichita, Kansas 67202

Re: Case No. BZA 12-80
Request for Exception

Dear Mr. Fettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1980, in connection with your request for an exception to permit the establishment of an off-street parking lot (delete previous condition of BZA Case 2-70 that parking shall not be used as required parking) on property zoned "AA" Single-family and generally located on the east side of Oliver north of 21st Street.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Dillon Real Estate Co., Inc., & Leon Deaver, 2700 East 4th,
Hutchinson, Kansas
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 12-80

WHEREAS, Dillon Real Estate Co., Inc., & Leon Deaver, 2700 East 4th, Hutchinson, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to establish an off-street parking lot (delete previous condition of BZA Case No. 2-70 that the parking shall not be used as required parking) on property zoned the "AA" One-family Dwelling District, and legally described as follows:

Lot 2, except the east 210 feet, University Garden's 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver north of 21st Street.

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 March 25, 1980, 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 off-street parking lot on property zoned the "AA" One-family Dwelling District subject to the conditions outlined in Section 28.04.145, 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 establish an off-street parking lot on property zoned the "AA" One-family Dwelling District and legally described as follows:

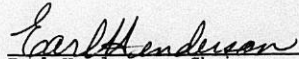
Lot 2, except the east 210 feet, University Garden's 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver north of 21st Street.

subject to the following conditions:

1. The applicant submitting and receiving approval of an amendment to the University Gardens C.U.P. (DP-8) to provide for the enlargement of the applicants store and increased parking needs.
2. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
6. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.

7. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties to the west.
8. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
9. The required front yard setback on Oliver, except for points of ingress and egress shall remain unpaved and they shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

March 26, 1980

Everett C. Fettis
504 One Twenty Building
Wichita, Kansas 67202

Re: Case No. BZA 12-80
Request for Exception

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on March 25, 1980, your request for an exception to permit the establishment of an off-street parking lot (delete previous condition of BZA Case 2-70 that parking shall not be used as required parking) on property zoned "AA" Single-family and generally located on the east side of Oliver north of 21st Street was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. The applicant submitting and receiving approval of an amendment to the University Gardens C.U.P. (DP-8) to provide for the enlargement of the applicants store and increased parking needs.
2. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.

5. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
6. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
7. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties to the west.
8. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
9. The required front yard setback on Oliver, except for points of ingress and egress shall remain unpaved and they shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Dillon Real Estate Co., Inc., % Leon Deaver, 2700 East 4th,
Hutchinson, Ks.
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE March 20, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 12-80: Dillon's, 21st and
Oliver

On March 18, 1980, CPO Council "I" considered the captioned case and voted 6-0 to recommend approval of the requested zoning exception, subject to the conditions set forth in MAPD staff comments.

There were no neighborhood residents present to oppose the exception.

Please inform the Board of Zoning Appeals of the Council's recommendation when the case is considered on March 25.

Gail Williams
Gail Williams
CPO Administrative Aide

GW:rs

RECEIVED

MAR 20 1980

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 12-80

APPLICANT: Dillon Deal Estate Co., Inc., % Leon Deaver,
2700 East 4th, Hutchinson, Kansas.

AGENT: Everett C. Fettis, 504 One Twenty Building,
Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C,
Code of the City of Wichita to permit the
establishment of an off-street parking lot
(delete previous condition of BZA Case 2-70
that parking shall not be used as required
parking).

GENERAL LOCATION: East side of Oliver north of 21st Street.

ZONING: Subject property is zoned "AA" Single-
family as are the properties to the north,
south and west; east is zoned "LC" Light
Commercial.

LAND USE: Subject property is developed in part by a
parking lot; south and north is undeveloped;
west is single-family; east is parking and
food market.

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 28.04.145 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an "exception", as permitted in the Zoning Ordinance, to allow the construction of an off-street parking lot on property zoned "AA" Single-family located on the east side of Oliver north of 21st Street.

In 1960, a request was filed for "LC" Light Commercial zoning for the south 600 feet of the SW 1/4 of the SW 1/4 of the Section in which this application is located. The application was approved except the west 250 feet measured from the section line, which was retained as a buffer to protect the residences on the west side of Oliver from the adverse affects of a shopping center directly to the east.

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On February 24, 1970, the Board of Zoning Appeals considered a request for an "exception" to permit the construction of an off-street parking lot on the above described property (the original established 200 foot buffer) BZA No. 2-70. Action of the Board was to approve the request subject to certain conditions, one of which was as follows:

1. "In no event shall any portion of the area contained in this application be utilized to satisfy the off-street parking requirements associated with the Community Unit Plan to the east (DP-8 as amended)."

The owners of the Dillions Supermarket located to the east on Parcel 8 of the Community Unit Plan now desire to expand their store from 25,128 square feet of floor area to 38,622 square feet and need additional area for off-street parking to comply with the requirements imposed in the Community Unit Plan.

It should be pointed out that in the event this application is approved, it will be necessary that the C.U.P. be amended to reflect the increase in the maximum gross floor area permitted on Parcel 8, maximum land coverage by building and floor area ratio. The site plan submitted with the application indicates that the proposed addition will extend into the 35 foot building setback on the west which will have to be adjusted on an amended C.U.P.

It is the opinion of the Secretary that inasmuch as the screening wall and landscaping along Oliver, required as a condition of approval of the University Gardens C.U.P. (DP-8 as amended) presently exist, that there would be no adverse affects on adjacent residential properties.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit the installation or construction of an off-street parking lot be approved subject to the following conditions:

1. The applicant submitting and receiving approval of an amendment to the University Gardens C.U.P. (DP-8) to provide for the enlargement of the applicants store and increased parking needs.
2. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

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3-25-80

4. In no case shall a fee be charged for parking facilities provided hereunder.
5. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
6. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
7. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties to the west.
8. All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot.
9. The required front yard setback on Oliver, except for points of ingress and egress shall remain unpaved and they shall be landscaped with grass, trees and shrubs which shall be maintained and replaced when necessary.

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

March 3, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 12-80

An application has been filed by Dillon Real Estate Co., Inc.,
% Leon Deaver, 2700 East 4th, Hutchinson, Kansas, pursuant to
Section 2.12.590.C, Code of the City of Wichita, requesting
an exception to permit the establishment of an off-street parking
lot (delete previous condition of BZA case 2-70 that parking
shall not be used as required parking) on property zoned the
"AA" One-family Dwelling District and legally described as
follows:

Lot 2, except the east 210 feet, University
Garden's 2nd Addition, Wichita, Sedgwick
County, Kansas. Generally located on the
east side of Oliver north of 21st Street.

This application has been assigned case No. BZA 12-80, and will be
considered by the Board of Zoning Appeals at its meeting on Tuesday,
March 25, 1980, at 1:30 p.m., in the Board Room, First Floor,
City Hall, 455 North Main, Wichita, Kansas, at which time you may
appear if you so desire, either in person or by agent or attorney.
If you have any questions about this application, please call
268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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

Jack H. Galbraith
Secretary

BZA CASE NO. 12-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

9 NOTICES SENT TO ADJOINING PROPERTY OWNERS

21 TOTAL NOTICES SENT 4-1-80

S T A T E M E N T

The application area is a part of University Garden's Community Unit Plan. In an appearance before the Board of Zoning Appeals in February 1970, parking was permitted in the application area. However, with that permission, it was also stated that no portion of the area referred to should be utilized to satisfy the off-street parking requirements associated with the Community Unit Plan to the east.

The applicant owns and operates a grocery store on the zoned property. The parking area referred to herein is used by the customers and for the benefit of the applicant's store. Since opening the store, it has been found that it is advisable and perhaps necessary to increase the size of the store. In order to do this, additional off-street parking is required to meet the requirements imposed in the Community Unit Plan for the proposed square footage.

The application will not serve to increase any of the parking area. This will only enable the applicant to increase the size of its store which, it is submitted, will be of benefit to the neighborhood and the community.

O W N E R S H I P L I S T

Lot	Addition	Property Owner
t 11, Blk 2	Crestview Lakes	Charles C. Browning and Aileen J. Browning Address Unknown
t 12, Blk 2	Same	John L. Kiser and Sharon #12 Crestview Lakes 67220
t 13, Blk 2	Same	Merle D. Morgan and Barbara Jane Morgan #13 Crestview Lakes 67220
t 14, Blk 2	Same	Edward G. Lee Jr. and Mable A. Lee 2002 East 17th 67214
t 3	University Gardens	Northeast Investments Ltd. P. O. Box 1362 67201
lots 6 and 7	Same	Robert C. Foster 3039 Benjamin Court 67204
lot 2	University Gardens 2nd	Dillon Real Estate Co., Inc. 2700 East 4th Hutchinson, Kansas 67501
lot 1	Same	Universal Realty Inc. Address Unknown

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

A 200 foot radius of: Lot 2, except the
East 210 feet, University Gardens 2nd
Addition to Wichita

shown by the last deeds of record on file in the Office of the Register
Deeds of Sedgwick County, Kansas, on the 20th day of February, 1980 at
10 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Mable

Vice President

Order No. 285635
wh

OWNERSHIP LIST

Lot	Addition	Property Owner
Lot 3	University Garden ¹¹	✓ D Northeast Investments Ltd. P. O. Box 1362 67201
lots 4,5,6,7	Same	✓ D Robert C. Foster 3039 Benjamin Court 67204
lot 1	University Gardens 2nd Add.	Universal Realty Inc. Address Unknown
lot 2	same	✓ D Dillon Real Estate Co., Inc. 2700 East 4th St. Hutchinson, Kansas 67501
lot 3 except N 440 ft	Same	✓ P & K Partnership c/o Bill Higgins, Sutton Place Penthouse 67202
North 440 ft lot 3	Same	✓ A-C Partnership 356 North Rock Road 67206
lot 4	Same	E. N. Maisel & Associates a Michigan General Partnership
lot 5	Same	✓ Frank A. Caro, Trustee 330 N. Main 67202
lot 6	Same	✓ Wayne H. Wong & Kim S. Wong 6636 E. Murdock 67206

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

All lots in University Gardens 2nd Addition,
and lots 3, 4, 5, 6 and 7, University Gardens

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 20th day of February, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By *Mary Kable*
Vice President

Order No. 285636



SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 11, Blk 2	Crestview Lakes	Charles C. Browning and Aileen J. Browning Address Unknown
lot 12, Blk 2	Same	✓ John L. Kiser and Sharon #12 Crestview Lakes 67220
lot 13, Blk 2	Same	✓ Merle D. Morgan and Barbara Jane Morgan #13 Crestview Lakes 67220
lot 14, Blk 2	Same	✓ Edward G. Lee Jr. and Mable A. Lee 2002 East 17th 67214
lot 3	University Gardens	✓ Northeast Investments Ltd. P. O. Box 1362 67201
lots 6 and 7	Same	✓ Robert C. Foster 3039 Benjamin Court 67204
lot 2	University Gardens 2nd	✓ Dillion Real Estate Co., Inc. 2700 East 4th Hutchinson, Kansas 67501
lot 1	Same	Universal Realty Inc. Address Unknown

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

A 200 foot radius of: Lot 2, except the
East 210 feet, University Gardens 2nd
Addition to Wichita

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 20th day of February, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Mable

Vice President

Order No. 285635
wh

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 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
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

*

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

Roll # 2