

Case No. BZA 14-85 - W. R. Kenney, d.b.a  
W. R. Kenney Co., 1502 N. Broadway,  
requests an exception to permit the  
establishment of an automobile sales  
lot on property zoned the "LC" Light  
Commercial and generally located on the

POSTED  
2-27-85 600

ACTION

BZA. 14-85 Approved 3-24-85  
DATE

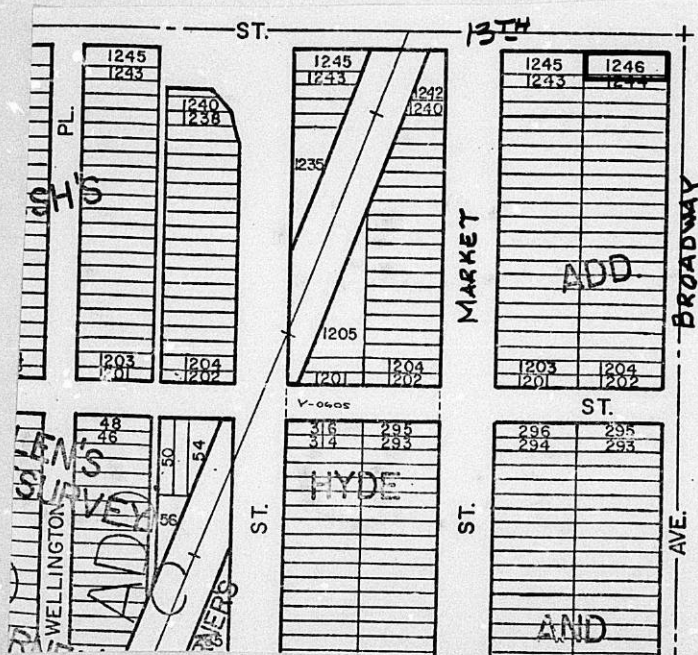
2004 Sec 5-31-85  
Shot 6-18-85  
Record ✓

Map No. 5448A

BZA 14-85  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E LC S LC W B N C
3. Land Use: East Church South OFF.  
West Res. North Carwash
4. Area (is) (~~is not~~) platted.



SPENCER  
No. 2153C  
HASTINGS, ILL.  
LOCAL REPRESENTATIVE  
CHICAGO, ILL.  
MEMBER, NATIONAL BOARD OF REALTORS  
U.S.A.

April 4, 1985

W. R. Kenney  
1502 North Broadway  
Wichita, Ks. 67214

Re: BZA 14-85 - Request for Exception

Dear Mr. Kenney:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 26, 1985.

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  
Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 14-85

WHEREAS, W. R. Kenney, d.b.a., W. R. Kenney Co., 1502 North Broadway, Wichita, Kansas requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

The north 9 feet of Lot 1244 and all of Lot 1246, Lawrence Avenue, Bush's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and 13th Street (221 East 13th).

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 26, 1985, 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 legally described as follows:

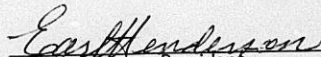
The north 9 feet of Lot 1244 and all of Lot 1246, Lawrence Avenue, Bush's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and 13th Street (221 East 13th).

subject to the following conditions:

1. The applicant shall develop the property in general conformance with the plan as presented to the Board on March 26, 1985 and revised to permit all driveways to remain open. This shall not permit more than 17 vehicles to be stored and displayed on the property at any time.
2. The applicant shall provide not less than four off-street parking spaces on the property, and shall include two spaces available from each driveway off of 13th Street as indicated by the plan.
3. All areas of the property used for driveways, storage or parking of vehicles shall be surfaced with concrete or asphalt.
4. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
5. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair or maintenance of vehicles shall be conducted on the property.

8. 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.
9. All vehicle spaces shall be marked in conformance with the approved plan and in conformance with the standards established by the Traffic Engineer. Off-street parking spaces shall be marked and designated for customers and not used for the display or storage of company vehicles.
10. All requirements as set forth as conditions of approval shall be complied with prior to occupancy as an automobile sales lot, and in no case later than 120 days from approval by the Board or the resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of March, 1985.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, then it is the Secretary's opinion that the approval be subject to the following conditions:

1. The applicant shall develop the property in general conformance with the plan as presented to the Board on March 26, 1985. This shall not permit more than 18 vehicles to be stored and displayed on the property.
  2. The applicant shall provide not less than four off-street parking spaces on the property, and shall include two spaces available from each driveway off of 13th Street as indicated by the plan.
  3. All areas of the property used for driveways, storage or parking of vehicles shall be surfaced with concrete or asphalt.
  4. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
  5. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance.
  6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
  7. No repair or maintenance of vehicles shall be conducted on the property.
  8. 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.
  9. All vehicle spaces shall be marked in conformance with the approved plan and in conformance with the standards established by the Traffic Engineer. Off-street parking spaces shall be marked and designated for customers and not used for the display or storage of company vehicles.
  10. All requirements as set forth as conditions of approval shall be complied with prior to occupancy as an automobile sales lot, and in no case later than 120 days from approval by the Board or the resolution shall become null and void.
-

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    March 18, 1985

TO      Glen Lytle, Special Assistant for Zoning

FROM    Stanley J. Scott, CP Coordinator

SUBJECT    BZA 14-85: Southwest Corner  
            of 13th Street and Broadway

On Tuesday, March 12, CPO Neighborhood Council Area "L" considered the captioned case, a request for a zoning exception to permit the establishment of an automobile sales lot on property zoned "LC" Light Commercial District. After discussion, the Council voted 4-3 to recommend approval of the request.

The applicant was present to describe the request and respond to questions from the Council. No area residents or property owners were in attendance. Council members were provided the notice to adjoining property owners and a map of the area. It was noted that while MAPD staff comments were not available, MAPD staff had expressed concern regarding the small size of the lot for use as an automobile sales lot.

Those members who opposed the requested exception expressed concern regarding the possible expansion of the automobile sales lot into the area south of 13th Street.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 14-85 is considered on Tuesday, March 12.



Stanley J. Scott  
CP Coordinator

SJS/glw

Noted:

  
Anne K. Montgomery  
CP Director

RECEIVED

MAR 19 1985

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 14-85

APPLICANT: W. R. Kenney, d.b.a., W.R. Kenney Co.,  
1502 North Broadway, Wichita, Kansas.

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 lot.

GENERAL LOCATION: On the southwest corner of Broadway and  
13th Street.

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

LAND USE: Subject property is a vacant service station.  
To the east is a church, and to the north is a  
car wash. Immediately to the south and west  
are residential structures.

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 convert an existing service station to an automobile sales lot on property located in the "LC" Light Commercial District. The property is located at the intersection of Broadway and 13th Street which are both arterial streets, neither of which provide accel-decel lanes for turning movements.

It should be noted that the property is only 52 feet by 145 feet and has an existing service station building that severely limits the number of vehicles that can be displayed on the property and still provide adequate ingress and egress for customers.

The site plan submitted with the application indicates 35 vehicle spaces on site with all three driveway approaches serving as two-way drives. This plan was not acceptable to the staff as it did not conform to any traffic engineering standards. A second site plan has been submitted showing 23 display spaces and 4 off-street parking spaces. This plan also indicates the complete blockage of the driveway approach on Broadway and display spaces 6½ feet by 12 feet adjacent to 13th Street. The Traffic Engineer has reviewed both plans and finds them unacceptable.

RECOMMENDATION:

It is the opinion of the Secretary that the application area is not of adequate size for the proposed use, and that the use of the property for an automobile sales lot, without good ingress and egress with sufficient off-street parking, will interfere with traffic on the streets and the request should be denied.

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BZA CASE NO. 1405

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>15</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>17</u>	TOTAL NOTICES SENT <u>3-6-85</u>

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

March 6, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 14-85

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 W. R. Kenney, d.b.a. W. R. Kenney Co., 1502 North Broadway, Wichita, Kansas, 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 "LC" Light Commercial District. A legal description of the applicant's property is as follows:

The north 9 feet of Lot 1244 and all of Lot 1246, Lawrence Avenue, Bush's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and 13th Street (221 East 13th).

This application has been assigned Case BZA 14-85. It will be considered by the Board of Zoning Appeals on March 26, 1985 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

BOARD OF ZONING APPEALS

CASE NO. 14-85

CITY OF WICHITA, KANSAS

FILED 2-25-85

APPLICATION FOR EXCEPTION

I. Name of Applicant W.R. Kenney, dba W.R. Kenney Company  
 Mailing Address 1502 North Broadway, Wichita Phone 683-3194  
 Name of Authorized Agent W.R. Kenney  
 Mailing Address Same Phone \_\_\_\_\_  
 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  
Used Automobile Sales

on property zoned Light Commercial,  
 located at the southeast corner of Broadway and Thirteenth, North (221 East 13th)  
 and legally described as (1) N 7 FT LOT 1244, & ALL LOT 1246,  
LAWRENCE AVE., BUSH'S ADD TO CITY OF WICHITA, KANSAS  
(2) N2 FT S 18 FT LOT 1244, Lawrence Ave., Bush's Addition  
of City of Wichita, \_\_\_\_\_, 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 W.R. Kenney  
 Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
11:15 (a.m./p.m.), FEB. 25, 1985, together with  
 appropriate fee of 200.00.

Signed [Signature]

W. R. KENNEY CO.

COMMERCIAL RENTALS  
BUILDERS - DEVELOPERS

February 20, 1985

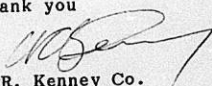
To: Board of Zoning Appeals  
City of Wichita  
Wichita, Kansas

This application for exception to Light Commercial Zoning restrictions existing at this time for subject property. I have not found it possible to acquire a desirable tenant for this small corner location after 18 months of searching.

With the approval of an exception so that a Used Automobile Sales business can be operated at this location the building and property can be cleaned up, painted, and repaired to bring in line with other improvements in the area.

Mr. Patrick Chapman has agreed to lease this location if the exception is granted.

Thank you

  
W.R. Kenney Co.  
by W.R. Kenney

O W N E R S H I P   L I S T

Lot - Street	Addition	Property Owner
The North 7 feet of Lot 1244 and all of Lot 1246 Lawrence now Broadway	Bush's Addition	W. R. Kenney 2548 N. Fountain 67220
The North 2 feet of the South 18 feet of Lot 1244, Lawrence now Broadway	"	Same as above
41 The South 16 feet of Lot 1244, and all of Lot 1242, Lawrence now Broadway	"	L. Anne Ratcliff 1343 N. Broadway 67214 <i>returned 3-11-85</i>
Lot 1240, Lot 1238 and the North half of Lot 1236, Lawrence now Broadway	"	Sadie Sandlin Mary D. Norton 1339 N. Broadway 67214
The South half of Lot 1236, and all of Lot 1234 and Lot 1232	"	Constance M. Kenney 2548 N. Fountain 67220
Lots 1230, and 1228 Lawrence, now Broadway	"	Same as above
Lot 1227 on Market	"	J. G. Dralle Sara A. Dralle 620 Oak Forest Derby 67037
Lots 1229 and 1231, on Market	"	Administrator of Veterans Affairs 901 George Washington Blvd. 67211
Lots 1233 and 1235 on Market	"	James R. Vincent 1347 N. Broadway 67214 <i>returned 3-11-85</i>
Lots 1237 and 1239 on Market	"	Floyd B. Phillips Susie M. Phillips 1334 N. Market 67214
Lot 1241 and 1243	"	<del>Ferd. Brooks Edna A. Brooks Address Unknown</del>
Lot 1245 on Market	"	Herbert K. Dodd Alice L. Dodd 656 Courtleigh Drive 67218

Lot	Street	Addition	Property Owner
Lot 4			
Lot 5		Hartle Addition	L. D. Diamond ✓ W. Faye Diamond 1629 West 27th St. North 67204
Lot 6		"	✓ C. & D. Car Wash Inc. 224 East 13th Street 67214
Lot 7		"	✓ William F. Cochran III Margaret Whitmer Cochran, Co-Trustees of William F. Cochran III Trust 1411 N. Broadway 67214
	Lawrence	Wells Addition	
Lot 2	Now Broadway		
Lot 4			✓ Floyd F. Jantz Ruth Marie Jantz 1339 Minisa Drive 67203
Lot 6	"	"	
Lot 8			✓ W. Jay Israel Margaret Mary Jo Israel Scheldemon 4224 Blackhow Ave. Ft. Worth. Texas 76109
Lot 10	"	"	
Lot 12			✓ J. C. Jenkins Harriette A. Jenkins 1443 N. Emporia 67214
Lots 1, 2, 3, 4, 5, 6, and 7		St. Paul's Addition	✓ Saint Paul's Methodist Church of Wichita 1356 N. Broadway 67214
Lot 8		"	Same as above
Lot 322		Forest Grove Addition	
Lot 324			✓ Florence O. Winders 1336 N. Broadway Apt. # 2 67214
Lot 326		"	✓ St. Paul's Methodist Church, Inc. 1356 N. Broadway 67214

Page 3

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

The North 7 feet of Lot 1244, and the North 2 Feet of the South 18 feet of Lot 1244, and all of Lot 1246, on Lawrence now Broadway, Bush's Addition to the City of Wichita, 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 21st day of February, 1985 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

BY

*Mary Gable*

Sr. Vice-President

Order No: 343260

ap

WICHITA - SEDGWICK COUNTY



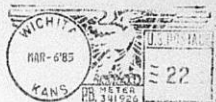
BOARD OF ZONING APPEALS

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

FORWARD  
ORDER EXPIRES  
RETURN TO SENDER



1468  
L. Anne Ratcliff  
1343 North Broadway  
Wichita, Ks. 67214



WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

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

NO  
NUMBER  
RETURN TO SENDER



1468  
James R. Vincent  
1347 North Broadway  
Wichita, Ks. 67214



**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

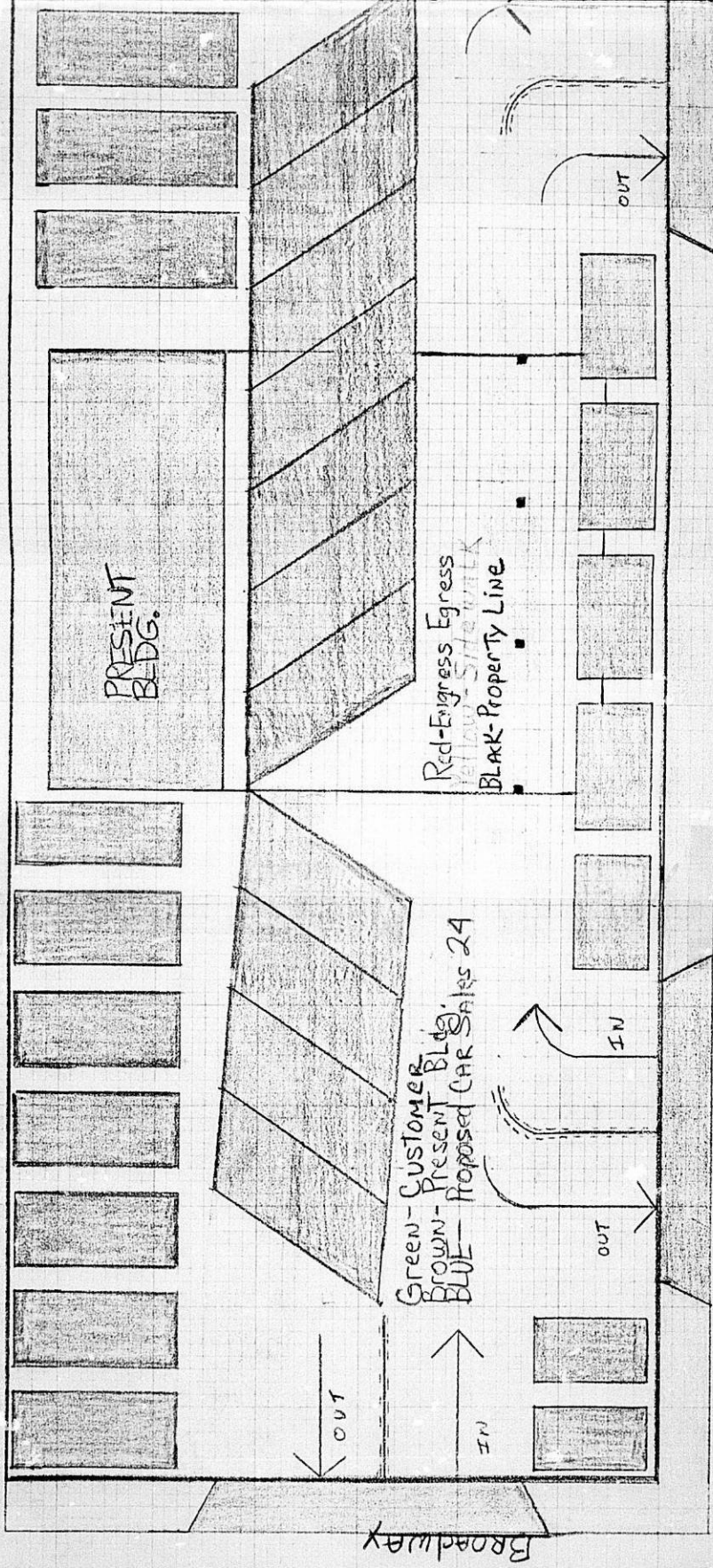
FORM 29-221

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
CITY BZA EXCEPT # 200 -	00
NAME	W. R. LENNEY CO.
ADDRESS	1112 N. LINCOLNWAY
FUND	40710-000
COMMENTS	
DATE	FEB 25, 1925
BY	J. L. Lott

145'



PRESENT  
BLDG.

Green-Customer  
Present Bldg.  
BLUE Proposed CAR SALES 24

Red-Engr ess Egress  
SHARED WALK  
BLACK PROPERTY LINE

Broadway

13th Street

OUT

IN

OUT

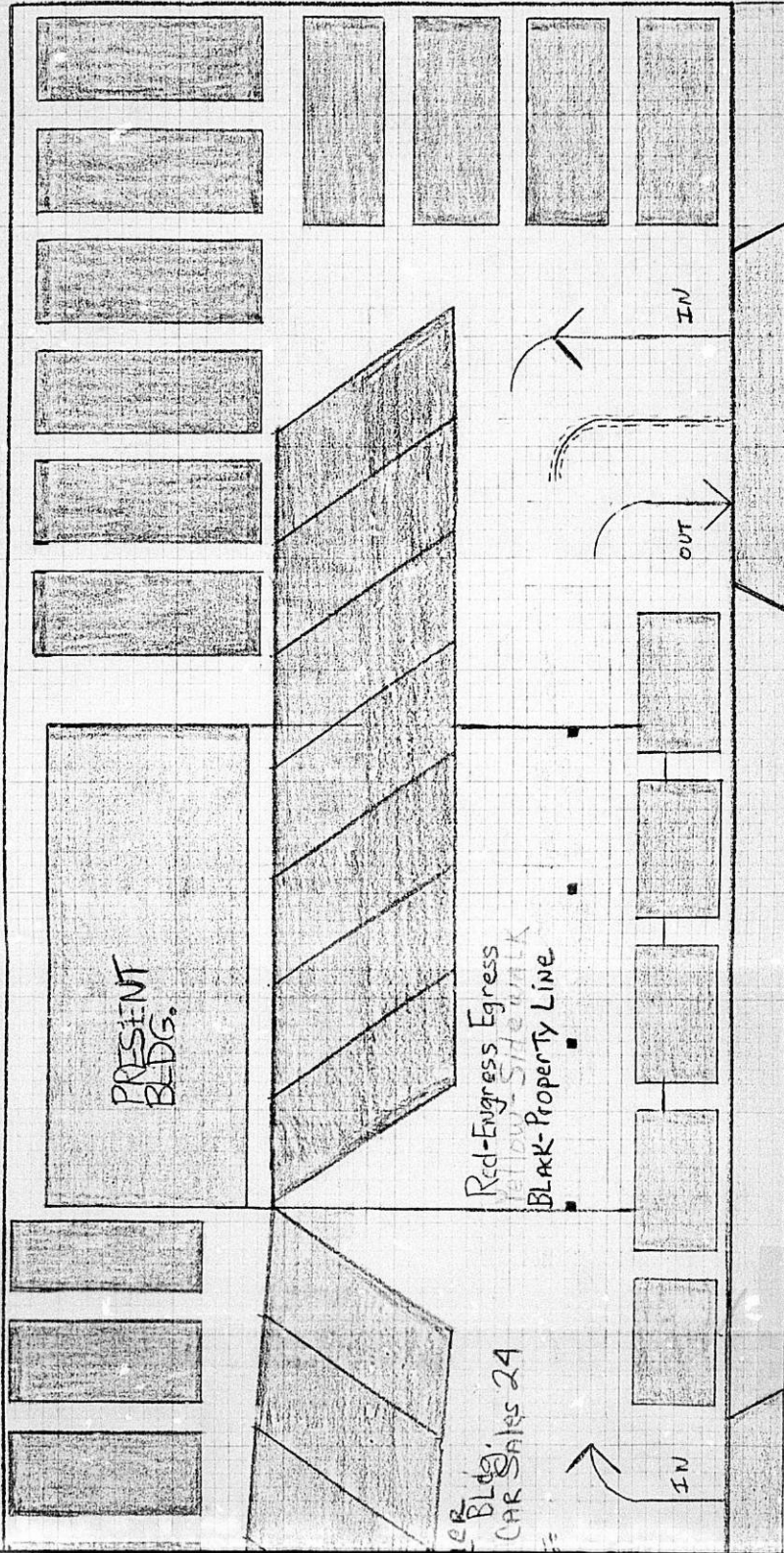
IN

OUT

145'

52'

SCALE 1/4" = 1'  
BZA 10-85



145'

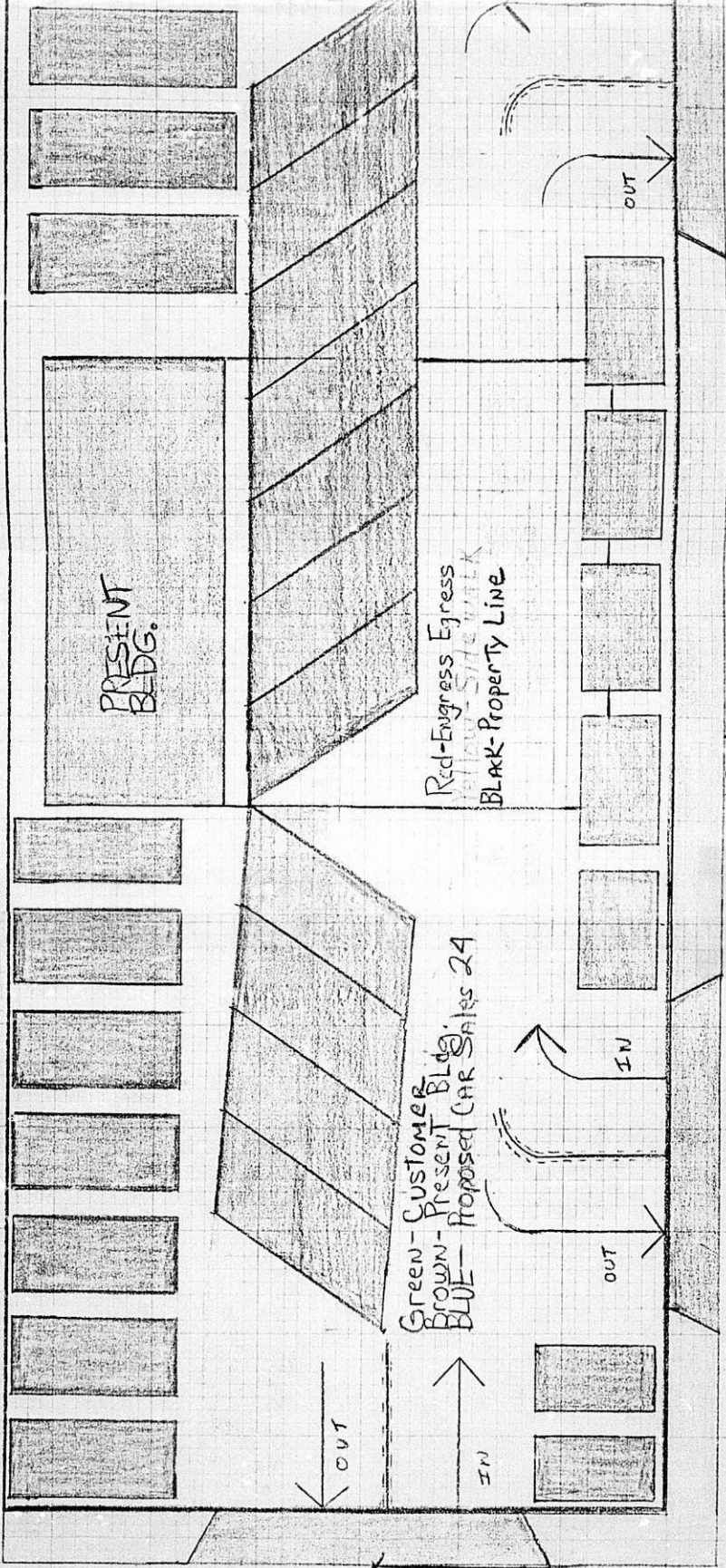
PRESENT  
BLDG.

Red-Engress Egress  
WALKWAY  
BLAK-Property LINE

Green - Customer  
Brown - Present Bldg.  
Blue - Proposed CAR SALES 24

13th Street

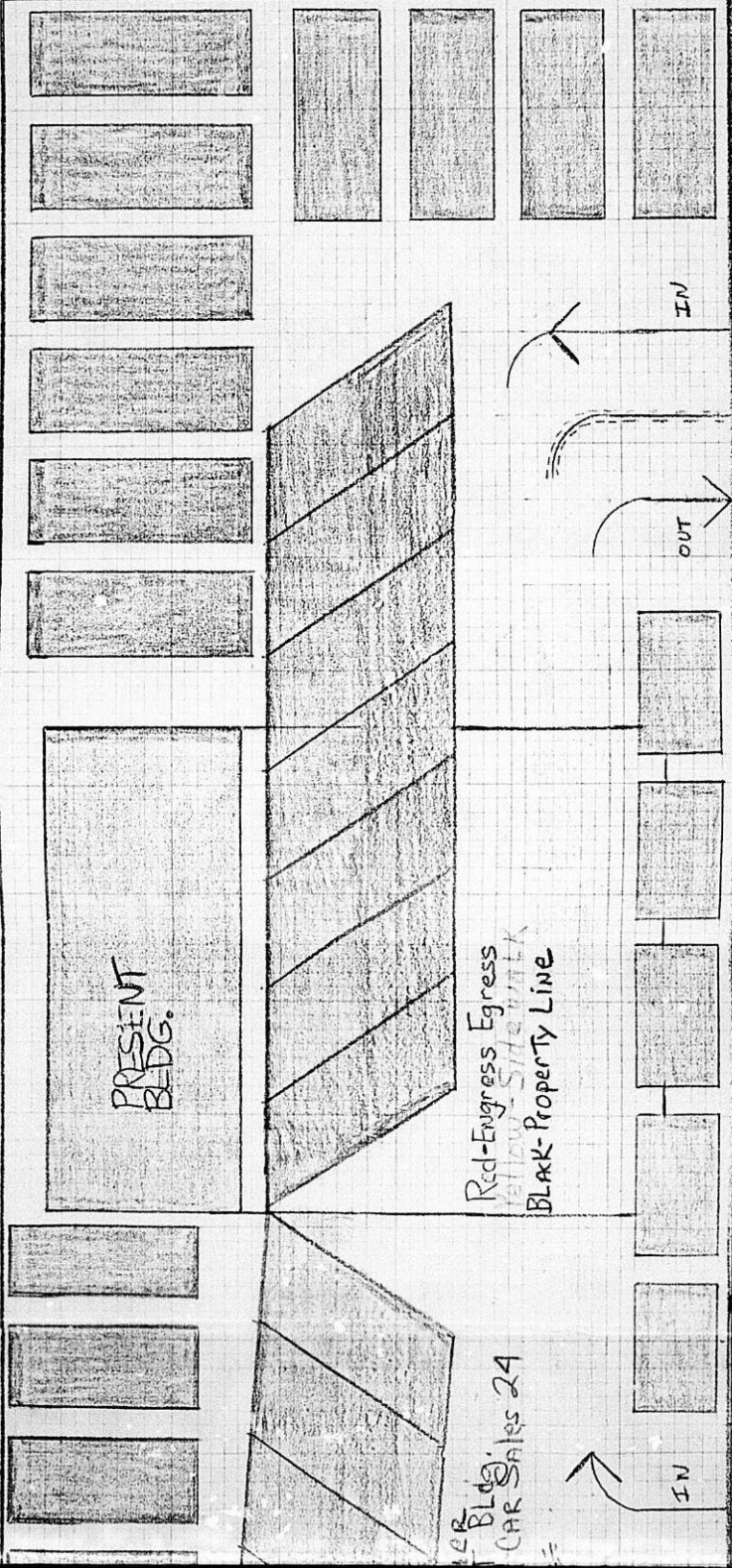
Broadway



145'

52'

SCALE 1/8"=1'



PRESENT  
BLDG.

Red-Engress Egress  
BLACK-PROPERTY LINE

BLDG.  
CAR SALES 24

IN

OUT

IN

13th Street

\*

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

Roll # 2