

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

*Original file destroyed - See memo 7/22/74
JHD*

BZA 16-73 - Daniel Carney and
Lindy Andeel request exception
to permit used car sales and
display for south side of Kellogg,
between Lightner Dr. & Waverly Dr

ACTION

BZA COMMITTEE Approve DATE June 26, 1973

M.A.P.C. _____

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

Original file destroyed - See memo 7/22/74 JH

BZA 16-73 - Daniel Garney and
Lindy Andeel request exception
to permit used car sales and
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WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 22, 1974

TO The File
FROM Jack H. Galbraith, Chief Planner *JHG*
SUBJECT BZA 16-73

On Wednesday July 17, 1974, BZA case file 16-73 was accidentally thrown away in the trash. An attempt has been made to reconstruct the file and the following items have been included:

- 1) BZA minutes of June 26, 1973.
- 2) A copy of the signed resolution on BZA 16-73.
- 3) A letter dated June 26, 1973 which was sent to Daniel Carney and Lindy Andeel informing them of the Board's action.
- 4) An architect's drawing submitted with BZA 16-73.

Some items previously found in the file were not available elsewhere and remain missing from the reconstructed file of BZA 16-73. These items are:

- 1) Copies of the application.
- 2) Notice to adjoining property owners.
- 3) Abstract ownership list.
- 4) Letters of opposition (if any).
- 5) Correspondence from the applicant (if any).
- 6) A copy of the plot plan submitted with the application.

JHG:MM:rme

RESOLUTION NO. BEA 16-73

WHEREAS, Daniel M. Carney and Lindy Andeal, 5900 East Central, 67208, request an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of a new and used automobile sales and display lot, on property zoned the "LC" Light Commercial District, and legally described as follows:

The East 60 feet of Lot 1 and the West 140 feet of the North 132 feet of Lot 2, Block A, Hudson's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the South side of Kellogg Drive between Lightner Drive and Sawyer 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 June 26, 1973, 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 installation or construction of a used automobile sales and display 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 installation or construction of a new and used automobile sales and display lot, on property zoned the "LC" Light Commercial District, and legally described as follows:

The East 60 feet of Lot 1 and the West 140 feet of the North 132 feet of Lot 2, Block A, Hudson's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the South side of Kellogg Drive between Lightner Drive and Sawyer Drive.

subject to the following conditions:

1. This exception shall include the sales and display of new and used cars only and not be construed to include trailers, motorcycles, motor homes, or other recreational vehicles.
2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
4. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used.

6. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
8. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1973.

Priscilla L. Lee
Priscilla L. Lee, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

June 26, 1973

Mr. Daniel M. Carney
Mr. Lindy Andeel
5900 East Central
Wichita, Kansas 67208

Subject: Case No. EZA 16-73
Request for Exception

Dear Messrs. Carney and Andeel:

At the regular meeting of the Board of Zoning Appeals on June 26, 1973, your request for an exception to permit the installation or construction of a new and used automobile sales and display lot, on property zoned the "IC" Light Commercial District, and generally located on the South side of Kellogg Drive between Lightner Drive and Waverly Drive, was considered.

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

1. This exception shall include the sales and display of new and used cars only and not be construed to include trailers, motorcycles, motor homes, or other recreational vehicles.
2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
4. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used.

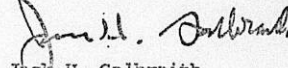
Mr. Daniel M. Carnoy
Mr. Lindy Andeel
Page 2

6. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
8. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

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.

Very truly yours,


Jack H. Galbraith
Secretary

JHG:rw

cc: Everett C. Pettis, 120 S. Market, Suite 504, 67202
Robert Feidner, Supt. of Central Inspection
✓ Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

3. Case No. BZA 16-73 - Daniel M. Carney and Lindy Andeel, 5900 East Central, 67208, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the installation or construction of a used automobile sales and display lot, on property zoned the "LC" Light Commercial District, and legally described as follows: The East 60 feet of Lot 1 and the west 140 feet of the north 132 feet of Lot 2, Block A, Hudson's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive between Lightner Drive and Waverly Drive.

GALBRAITH pointed out the area on the map and reviewed the following Secretary's Report:

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 applicants are requesting an exception to permit a new and used automobile sales and display lot on property zoned the "LC" Light Commercial District located on the south side of Kellogg between Lightner Drive and Waverly Drive.

The property is located on a major street, as required by ordinance, in an area in which the Board has previously looked with favor on similar applications. The applicant has submitted a plot plan which has been approved by the Division of Traffic Engineering.

RECOMMENDATION:

It is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. This exception shall include the sales and display of new and used cars only and not be construed to include trailers, motorcycles, motor homes, or other recreational vehicles.

2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
4. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used.
6. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
8. All parking spaces and display spaces abutting property, lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

LEE asked the Board members if they had any questions or comments. CUSICK asked EVERETT FETTIS, attorney for the applicants, if the applicants agreed to all the conditions set forth in the Secretary's Report. FETTIS said they were.

MOTION: DOKE moved, RICHARDSON seconded, and it carried unanimously that this exception be approved subject to the eight conditions set forth in the Secretary's Report as shown by the adoption of the following Resolution:

RESOLUTION NO. BZA 16-73

WHEREAS, Daniel M. Carney and Lindy Andeel, 5900 East Central, 67208, request an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of a new and used automobile sales and display lot, on property zoned the "LC" Light Commercial District, and legally described as follows:

The east 60 feet of Lot 1 and the west 140 feet of the north 132 feet of Lot 2, Block A, Hudson's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive between Lightner Drive and Waverly 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 June 26, 1973, 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 installation or construction of a used automobile sales and display 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 installation or construction of a new and used automobile sales and display lot, on property zoned the "LC" Light Commercial District, and legally described as follows:

The east 60 feet of Lot 1 and the west 140 feet of the north 132 feet of Lot 2, Block A, Hudson's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive between Lightner Drive and Waverly Drive.

subject to the following conditions:

1. This exception shall include the sales and display of new and used cars only and not be construed to include trailers, motorcycles, motor homes, or other recreational vehicles.
2. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.

3. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
4. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used.
6. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
8. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1973.

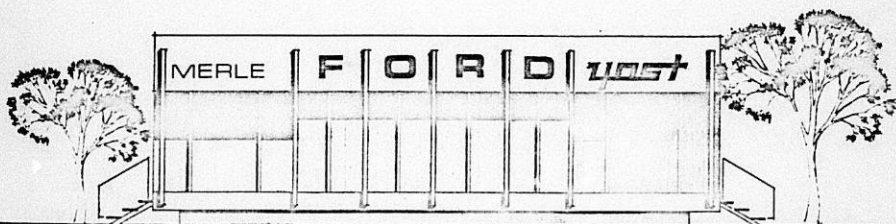
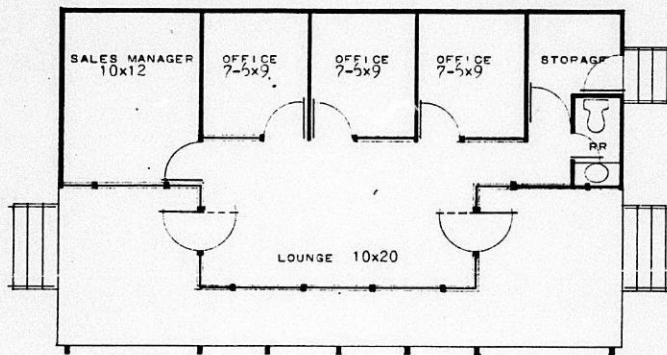
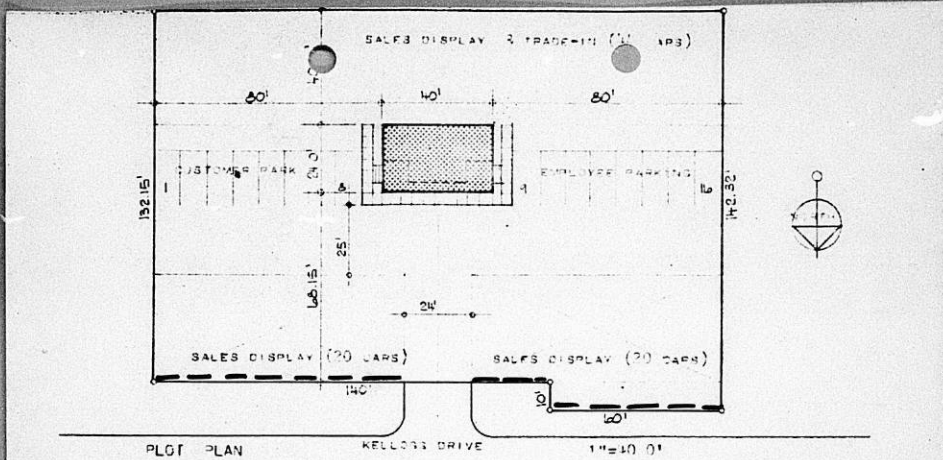
Priscilla L. Lee, Chairman

ATTEST:

Jack H. Galbraith, Secretary

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4. Consideration of submission of local legislative recommendation to the Special Committee on Sedgwick County Area Legislative matters.

GALBRAITH referred to a letter from the Director of Law and stated that he was not aware of any needed legislation at this time pertaining to the statutes regarding the Board of Zoning



PROPOSED OFFICE FACILITY FOR
 MERLE YOST FORD
 5900 E. KELLOGG
 WICHITA, KANSAS
 24 MAY 1973



ANDEEL & CO.

5900 E. CENTRAL WICHITA, KANSAS
 TELEPHONE (316) 683-7511

BZA 16-7

THOMAS D. JACOB

ARCHITECT - PLANNER BOX 633 WICHITA, KANSAS 67201

TRAFFIC ENGINEERING DIVISION APPROVED

W. J. Miller

5-29-73

Date

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

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