

BZA 26-77 COMMITTEE *Approved* 6-28

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

Case No. BZA 26-77 Mid-Continent Car Rentals, Inc., request an exception to permit the establishment of a car rental agency on property generally located on the south

Tain

POSTED  
6-6-77  
C.I. &  
V.M.A.P.P.  
C-7-5-77

# ACTION

BZA 26-77 COMMITTEE Approved DATE 6-28

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

Case No. BZA 26-77 Mid-Continent Car Rentals, Inc., request an exception to permit the establishment of a car rental agency on property generally located on the south



RESOLUTION NO. BZA 26-77

WHEREAS, Mid-Continent Car Rentals, Inc., Suite 430, R. H. Garvey Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District and legally described as follows:

A tract in Sec. 26, Twp. 27-S, R-1-W, Sedgwick County, Kansas, described as beginning at a point 1001.3 feet east of the S.W. Corner of the NE 1/4 of said Sec. 26; thence north parallel with the west line of said NE 1/4, 12 feet; thence west parallel with the south line of said NE 1/4, 246.64 feet; thence southerly with an angle to the left of 96° 33' a distance of 50.84 feet to the northerly right-of-way line of the A.T. & S.F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE 1/4 of said Section 26; thence west 116.5 feet to beginning. Generally located on the south side of U.S. 54 Highway in an area between West Street and I-235 By-Pass.

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 28, 1977, 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 a car rental agency 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 a car rental agency on property zoned the "LC" Light Commercial District, and legally described as follows:

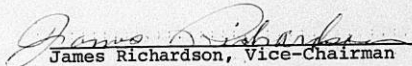
A tract in Sec. 26, Twp. 27-S, R-1-W, Sedgwick County, Kansas, described as beginning at a point 1001.3 feet east of the S.W. Corner of the NE 1/4 of said Sec. 26; thence north parallel with the west line of said NE 1/4, 12 feet; thence west parallel with the south line of said NE 1/4, 246.64 feet; thence southerly with an angle to the left of 96° 33' a distance of 50.84 feet to the northerly right-of-way line of the A.T. & S.F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE 1/4 of said Section 26; thence west 116.5 feet to beginning. Generally located on the south side of U.S. 54 Highway in an area between West Street and I-235 By-Pass.

subject to the following conditions:

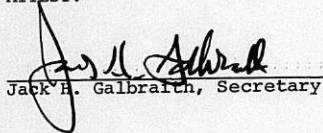
1. The area approved for this exception shall coincide with the area shown on the applicant's approved site plan. The applicants shall provide a legal description of this area to the Secretary of the Board for use in the preparation of the official Resolution of the Board's action.
2. All storage, display, circulation and parking areas shall be paved with concrete, asphalt or other comparable material.

3. No string-type lighting shall be permitted.
4. Signs shall comply with the sign regulations of the zoning ordinance.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
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 storage and display of rental vehicles shall be limited to not more than six at any time.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1977.

  
James Richardson, Vice-Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

July 28, 1977

Tenth Floor, City Hall  
455 North Main

Mr. T. Michael Wilson  
Suite 430  
R. H. Garvey Building  
Wichita, Kansas 67202

Re: Case No. BZA 26-77  
Request for Exception

Dear Mr. Wilson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 28, 1977, in connection with your request for an exception to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District, and generally located on the south side of US 54 Highway in an area between West Street and I-235 By-pass.

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 any questions concerning this matter, please call our office.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh  
Encl.

cc: Mid-Continent Car Rentals, Inc., Suite 430, R.H. Garvey  
Bldg., 67202  
Robert Feldner, Supt., Central Inspection  
Don Gisick, City Clerk  
Joe Donnelly, Housing and Zoning Administrator

B2A - 26-77

WILLIAM L. KORBER  
**BAUGHMAN CO.**  
S U R V E Y O R S

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

A tract in Sec. 26, Twp. 27-S, R-1-W, described as beginning at a point 1001.3 feet east of the S. W. Corner of the NE $\frac{1}{4}$  of said Sec. 26; thence north parallel with the west line of said NE $\frac{1}{4}$ , 12 feet; thence west parallel with the south line of said NE $\frac{1}{4}$ , 246.64 feet; thence southerly with an angle to the left of 96° 33' a distance of 50.84 feet to the northerly right-of-way line of the A. T. & S. F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE $\frac{1}{4}$  of said Sec. 26; thence west 116.5 feet to beginning.

July 27, 1977

Tenth Floor, City Hall  
455 North Main St.

July 1, 1977

Mr. T. Michael Wilson  
Suite 450  
R. H. Garvey Building  
Wichita, Kansas 67202

Re: Case No. BZA 26-77  
Request for Exception

Dear Mr. Wilson:

At the regular meeting of the Board of Zoning Appeals on June 28, 1977, your request for an exception to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District, and generally located on the south side of US 84 Highway in an area between West Street and I-235 By-pass was considered.

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

1. The area approved for this exception shall coincide with the area shown on the applicant's approved site plan. The applicants shall provide a legal description of this area to the Secretary of the Board for use in the preparation of the official Resolution of the Board's action.
2. All storage, display, circulation and parking areas shall be paved with concrete, asphalt or other comparable material.
3. No string-type lighting shall be permitted.
4. Signs shall comply with the sign regulations of the zoning ordinance.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
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 storage and display of rental vehicles shall be limited to not more than six at any time.

Mr. T. Michael Wilson  
July 1, 1977  
Page 2

A Resolution will be prepared as soon as we have received your revised legal description as provided in Condition #1, and you will be mailed a copy of the Resolution.

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

Sincerely yours,

Larry Dobson  
Assistant Secretary

LD:bh  
cc: Mid-Continent Car Rentals, Inc., Suite 450, R.H. Garvey Bldg., 67202  
Robert Feldner, Supt., Central Inspection  
Don Gisick, City Clerk  
Joe Donnelly, Housing and Zoning Administrator

**THE CITY OF WICHITA**  
OFFICE OF CITIZEN PARTICIPATION

DATE June 22, 1977



TO Larry Dobson, MAPD

FROM David Furnas, Citizen Participation Coordinator

SUBJECT BZA 26-77

At its June 21, 1977, meeting, the Citizen Participation Organization Neighborhood "B" Council took no action on the above captioned case. However, Council did voice a concern of the drainage problem in the area being aggravated by an additional paving parking lot in the area.

David Furnas  
Citizen Participation Coordinator

DF:sm

SECRETARY'S REPORT  
CASE NO. BZA 26-77

APPLICANT: Mid-Continent Car Rentals, Inc., Suite 430,  
R. H. Garvey Building, Wichita, Kansas

AGENT: Stan E. Wisdom or T. Michael Wilson, Suite  
430, R. H. Garvey Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code  
of the City of Wichita, to permit the establish-  
ment of a car rental agency on "LC" Light Com-  
mercial property.

GENERAL LOCATION: South side of U.S. 54 Highway in an area between  
West Street and the I-235 By-Pass (4601 W. Kel-  
log).

LAND USE: Subject property contains a vacant service sta-  
tion; a motel is developed to the west; north  
across U.S. 54 is a State Highway shop and yard;  
east is railroad right-of-way; south across  
railroad right-of-way are a manufacturing firm  
and truck repair business.

ZONING: Subject property is zoned the "LC" Light Com-  
mercial District, as is property to the west.  
North is zoned "AA" Single Family; east is  
"AA" Single Family; and south is "AA" zoned  
right-of-way and then "E" Light Industrial.

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 the zoning ordinance to permit the installation of a vehicle rental agency on property zoned the "LC" Light Commercial District located on the south side of U. S. 54 Highway in an area east of the I-235 By-Pass.

Subject property, as legally described by the applicants, is developed with a motel and a vacant service station. The site plan depicts the eastern end of the property, containing the vacant service station, as being utilized for the car rental operation. It is this area that will be referred to as subject property throughout the remainder of this report.

This general area from West Street to the I-235 By-Pass on both the north and south sides of U.S.54, is for the most part zoned "C" Commercial and "E" Light Industrial. Both of these

districts would permit the applicant's proposed use as an outright permitted use, without benefit of an exception. Therefore, from a land use standpoint, this request would appear to be logical and proper.

The north 12 feet of subject property is former highway right-of-way deeded to a previous owner of subject property by the state in 1963. The applicants in this case are leasees of subject property. The Traffic Engineer has reviewed and approved the submitted site plan as noted on the plan. However, it should be noted that the plat for Fowme West Shopping Center to the north is in process and that future improvements to U.S. 54 may call for additional right-of-way or change the access to subject property.

The applicant's original site plan included a portion of railroad right-of-way adjoining subject property on the south. It was explained to the applicants that the right-of-way was presently zoned the "AA" Single Family Dwelling District and could not be included in the application unless a change of zoning to the "LC" District was obtained. The applicants decided to go ahead and file this exception on the property already zoned "LC" and then if later successful in obtaining a change of zoning on the right-of-way, they would file a separate exception request for that property.

RECOMMENDATION:

If the Board determines that this would be an appropriate location for the proposed use, it is recommended that the exception be approved subject to the following conditions:

1. The area approved for this exception shall coincide with the area shown on the applicant's approved site plan. The applicants shall provide a legal description of this area to the Secretary of the Board for use in the preparation of the official Resolution of the Board's action.
  2. All storage, display, circulation and parking areas shall be paved with concrete, asphalt or other comparable material.
  3. No string-type lighting shall be permitted.
  4. Signs shall comply with the sign regulations of the zoning ordinance.
  5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
  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 storage and display of rental vehicles shall be limited to not more than six at any time.
-

10 notices sent to agent and/or applicant and property owners

10 notices sent to MAPC members

1 notice to CPO

21 total notices sent on BZA 26-77, 6-6-77

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main, Wichita, Kansas 67202

June 7, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 26-77

An application has been filed by Mid-Continent Car Rentals, Inc., Suite 430, R. H. Garvey Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District, and legally described as follows:

Beginning at the Northwest corner of the East Half of the Southwest Quarter of Section 26, Township 27, South, Range 1 West; thence East on the North line of said Half Section line to a point where AT&SF Railroad right-of-way intersects said line, said point being approximately 1,117 feet East of the Northwest corner of the Southeast Quarter of Section 26; thence Southwesterly along said Railroad right-of-way to the East line of the West Half of said Section 26; thence North 25 feet; thence Southwesterly 81 rods parallel to said Railroad right-of-way; thence North 14 rods 1.5 feet to point of beginning, subject to Highway right-of-way and Floodway in Southwest Quarter, all in Sedgwick County, Kansas; and

A tract of land in the South Half of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at a point on the south line of said Quarter Section 164.3 feet East of the Southwest corner of said Quarter Section; thence East along said South line 837.0 feet; thence North 12.0 feet, thence West parallel to said South line 837.0 feet, thence South 12.0 feet to place of beginning. Generally located on the south side of US 54 Highway in an area between West Street and I-235 By-pass.

This application has been assigned Case No. BZA 26-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 28, 1977, 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.

BOARD OF ZONING APPEALS  
NOTICE TO ADJOINING PROPERTY OWNERS  
Case No. BZA 26-77  
June 7, 1977  
Page 2

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.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant  Mid-Continent Car Rentals, Inc.

Mailing Address Suite 430, R. H. Garvey Bldg., Wichita, KS 67202 Phone 264-9137

Name of Authorized Agent  Stan E. Wisdom or  T. Michael Wilson

Mailing Address Suite 430, R. H. Garvey Bldg., Wichita, KS 67202 Phone 264-9137

Relationship of applicant to property is that of Lessee  
(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 a car rental agency on property zoned

light commercial, located 4601 W. Kelloqg, Wichita, Kansas

and legally described as: East 330 feet of that part of SE/4 of Sec. 26, Township 27S, RLW lying North of ATSF right-of-way, together with portion leased from ATSF right-of-way approx. 300 ft. x 24 ft. adjoining & also a tract 12 ft. x 225 ft. adjoining on the north side located in the S/2 of NE/4 of Sec. 26, Township 27S, RLW,

(See ownership list)

\_\_\_\_\_ in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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. 24-606); and that the appropriate fee is herewith tendered;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- 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 MID-CONTINENT CAR RENTALS, INC

Authorized Agent Stan E. Wisdom

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 3:00 (a.m. p.m.), 5-31, 1977, together with appropriate fee of \$50.00

Suby to receiving site plan & ownership list on 6-1-77 signed Larry Johnson

T9-403 S. side of U.S. 54<sup>th</sup> between What St & Interstrik 235 map 5146

BEFORE THE BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. BZA 26-77

LAW OFFICES  
STINSON,  
WISDOM  
& LASSWELL  
SUITE 430  
R. H. GARVEY BUILDING  
300 W. DOUGLAS  
WICHITA, KANSAS 67202  
284-9137

STATEMENT FOR USE WITH APPLICATION FOR EXCEPTION  
JUSTIFYING EXCEPTION TO LIGHT COMMERCIAL ZONING

COMES NOW, the undersigned and submits the following statements in writing justifying an exception to light commercial zoning to be used as vehicle rental agency.

1. The location of the proposed vehicle rental agency is 4601 West Kellogg, which is presently zoned light commercial with surrounding property to the east, west, and south being industrial, and bounded on the north by U.S. 54 Highway right-of-way.

2. That the proposed vehicle rental agency will aesthetically improve the area and create no more traffic or congestion than presently exists.

3. That this Board has jurisdiction of this matter by virtue of Section 2.12.590.C of the Code of the City of Wichita, Kansas and that Section 28.04.183.2 specifically provides that the Board of Zoning Appeals may by special permit grant exceptions and authorize the use in light commercial districts of a vehicle rental agency subject to the conditions and requirements as stated therein.

MID-CONTINENT CAR RENTALS, INC.

By 

Stan E. Wisdom, Authorized  
Agent

CERTIFICATE OF OWNERSHIP

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GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Property known as Western Trails Lodge, described as: Beginning at the Northwest corner of the East Half of the Southwest Quarter of Section 26, Township 27 South, Range 1 West; thence East on the North line of said Half Section line to a point where AT&SF Railroad right-of-way intersects said line, said point being approximately 1,117 feet East of the Northwest corner of the Southeast Quarter of Section 26; thence Southwesterly along said Railroad right-of-way to the East line of the West Half of said Section 26; thence North 25 feet; thence Southwesterly 81 rods parallel to said Railroad right-of-way; thence North 14 rods 1.5 feet to point of beginning, subject to Highway right-of-way and Floodway in Southwest Quarter, all in Sedgwick County, Kansas; and,

A tract of land in the South Half of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at a point on the South line of said Quarter Section 164.3 feet East of the Southwest corner of said Quarter Section; thence East along said South line 837.0 feet; thence North 12.0 feet, thence West parallel to said South line 837.0 feet, thence South 12.0 feet to place of beginning.

*Use for legal*

NOTE: Addresses are furnished as a service only and are not certified.

DESCRIPTION	OWNER/OWNER'S ADDRESS
captioned property	<input checked="" type="checkbox"/> W. Luke Chapin (2/3) & <input checked="" type="checkbox"/> Gordon Penny (1/3) Medicine Lodge, Ks <span style="float: right;">67104</span>
<u>WEST 54 INDUSTRIAL PARK ADDITION</u>	
<u>Block 1</u>	
Lot 3, except West 63.4'	<input checked="" type="checkbox"/> Automatic School Supply, Inc. 4424 Irving <span style="float: right;">67209</span>
Lot 4, except East 17'	<input checked="" type="checkbox"/> Annplyco Properties, Inc. address not available <span style="float: right;"><i>not in phone book</i> <i>not in S.D</i> <i>not in C.D</i></span>
The West 63.4' Lot 3 & the East 17' Lot 4	<input checked="" type="checkbox"/> Board of County Commissioners Sedgwick County, Kansas
Lots 5 & 6	<input checked="" type="checkbox"/> Paul Loyd 228 Ceymarie Circle <span style="float: right;">67209</span>
Lot 7	<input checked="" type="checkbox"/> John P., Jr. & Betty W. VanDenburgh, Trustees under Trust Agreement dated 3/5/71 address not available <span style="float: right;"><i>not in phone book</i> <i>not in</i> <i>S.D</i> <i>not in C.D</i></span>
Lots 8 & 9	<input checked="" type="checkbox"/> H.P., Jr. & J. Ruth Lent 2162 Bella Vista <span style="float: right;">67203</span>

CONTINUED ON FOLLOWING PAGE

CERTIFICATE OF OWNERSHIP

Page 2

PEARL MAY JONES ADDITION

Lot 1	✓ Pearl May Jones ✓ 2613 Lulu	67216
Lot 2	✓ Lawrence G. & Chelsea J. Williams ✓ Clearwater, Ks	67026

Dated this 31st day of May, 1977

#2639

GUARANTEE TITLE CO., INC.

*Gary G. Newcome*  
Gary G. Newcome, President

FORM 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
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Name \_\_\_\_\_

Address \_\_\_\_\_

Type \_\_\_\_\_ Due Date \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ By \_\_\_\_\_

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1