

CASE NO. BZA 59-85 - Chrysler Realty Corp/Edward Steven, Steven Motors requests an exception to permit an amendment of a previously approved exception for a new & used automobile sales business on property zoned "LC" Light Commercial Dist 1 & generally located on the S side of Kellogg between Gouverneur Rd. & Calhoun.

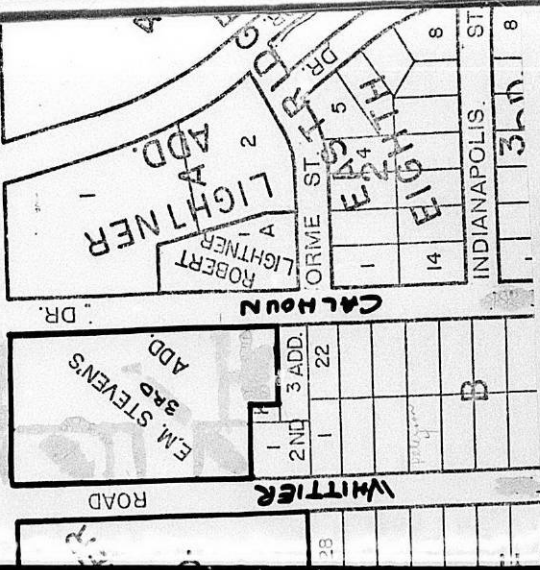
Signal.
No 2-153C

HASTINGS, MN
LOS ANGELES, CHICAGO, LOSAN, OH
MORGON, TX, LOCUST GROVE, GA
U.S.A.

BZA **59-85**
Filed _____

ft. by _____ (ft.)
S **AA** W **LC44A** N **LC**
South **Res. 1-F**
North **Comm.**

KELLOGG



Posted
10-28-85

CASE NO. BZA 59-85 - Chrysler Realty
Carr/Edward Stearn, Stearn Motors re-
quests an exception to permit an amend-
ment of a previously approved exception
for a new & used automobile sales busi-
ness on property zoned "LC" Light Com-
mercial District & generally located on the

ACTION

B.Z.A. 59-85 APPROVED 1/26/86
DATE

200'4 Sec 2-13-86

Shot 2-27-86

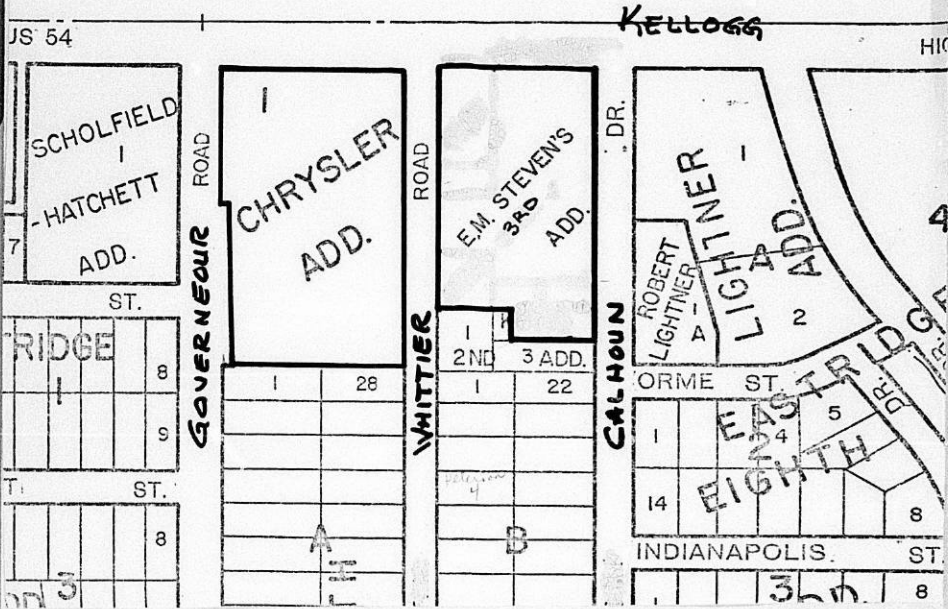
Record ✓

Map No. 5946 A

BZA 59-85
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S AA W LC & AA N LC
3. Land Use: East Motel South Res. 1-F
West Auto Sales 1-F North Comm.
4. Area (is) (~~to be~~) platted.



LOS ANGELES-CINCINNATI
MEMBER OF THE ST. BROWN, OH
U.S.A.

No. 2153C
St. B.

Parking-Lot Plan Awaits Driveways

Where to Put Them Delays OK

By Laura Addison
Staff Writer

Somehow, what seems to be a simple solution seldom is.

Eddy Steven, owner of Eddy's Toyota of Wichita and Steven Chrysler-Plymouth, says he is ready to provide a parking lot for his employees. And area residents would love to have the curbside parking that is now being used by Steven's employees returned to the neighborhood.

But it isn't as simple as that. The planned employee parking lot would get an estimated 50 to 60 cars off the surrounding residential streets. But Metropolitan Area Planning Commission approval of the project depends on where the entrances to the lot are placed. And everyone concerned has a different opinion as to where they would work best.

"We can't support curb approaches across from single-family residences," said Jack Galbraith, planning department chief of current plans.

But resident Opal Smith isn't as concerned.

"It certainly wouldn't bother us," Smith said of the proposed southern driveway.

She and her husband, John, live at 542 Whittier, the last house north of the Orme limit for commercial zoning.

"The employees' parking all along the street now bother us more."

For several years, residents of the 600 blocks of Calhoun, Gouverneur and Whittier south of Kellogg have been bothered by employees of Eddy's and the Chrysler-Plymouth businesses using all the available street parking.

As the two commercial properties have expanded to the south, they have reached Orme, which is as far south from Kellogg as the city plans to allow commercial zoning to extend into the neighborhood. Single-family homes occupy the blocks immediately south of both commercial properties, and residences are across the street from both sides of the Chrysler-Plymouth lot.

The parking lot, which Steven wants to situate at the south end of his Chrysler-

Plymouth property at 7127 E. Kellogg, would be used by employees of that business and for those of Eddy's Toyota at 7333 E. Kellogg, across Whittier to the east.

The lot itself would be welcomed by area residents, the MAPC and the employees.

But one of the stipulations included in the original zoning for the business in 1965 was that there not be driveways opposite any residence. And Steven's plan included driveways on the east and west sides of the lot, at the southernmost edge.

The proposed driveway on Whittier would be opposite two residences, one of which Steven has purchased. Part of the application that Steven has before the Board of Zoning Appeals is for the property at 522 Whittier to be rezoned light commercial.

The other part of the application is for approval of the use of the south 160 feet of the Chrysler-Plymouth property, part of which has been fenced in and used for some time.

At the BZA's Sept. 25 meeting, the case was deferred till Oct. 23, so that Steven could get a comprehensive plan together. The plan would include specifics on where the employees would park, and where they would enter and leave the lot, according to specifications of the zoning.

The board may or may not specify how the land is to be used before it makes a ruling on the case, according to Glen Lytle, special assistant for zoning. That is, a portion of the land could be restricted to use as employee parking and could not be returned to use for storage of new or used cars.

He hasn't seen a plan that could result in a further deferral of the case, Lytle said.

Opponents of the plan for driveways at the south edge of the property believe that drivers would turn left off Gouverneur where the medial strip breaks, before the driveway, which would mean they would be driving on the wrong side of the street for several feet.

"We retained a company to do the curb cuts and foundations," said Harold Johnson, controller for the two firms. "As they were working on it, those people found out that



Anthony Reed/Staff Photographer

Mike Steven, vice president of Eddy's Toyota and Steven Chrysler-Plymouth agencies, stands beside forms for a driveway that may never be poured.

they needed a city permit, and they quit. And while they were trying to get a permit, we found out it was a decision of the zoning commission."

"This has been the most difficult project," said Steven. "This was a voluntary venture, because our traffic is so congested there. We weren't asked to do it."

Although people who live in the area haven't complained, he said, "We could tell we were taking up too much room."

When Steven submitted his proposal for the lot to Citizen Participation Organization Council H at a September meeting, several residents brought a petition against what they had believed was to be an expansion of the commercial property. When they heard that the project in question was to alleviate congested neighborhood streets, many changed their minds.

"I think it's a good plan," said Lloyd W. Cameron, 633 S. Whittier, when he spoke before the Board of Zoning Appeals in September.

"If an emergency vehicle came down that street and couldn't get through," said Cameron, "it would be an embarrassment to the car people and to the city. As a taxpayer, I'm concerned with keeping the streets clear."

Said Galbraith, "We have made several suggestions about how to relocate his employee parking lot someplace else. We don't understand why all the parking has to be at one lot. They were given directions on how to redesign it to have access to it."

The most readily completed alternative would be to leave the parking lot at its proposed location and use existing driveways, north of the medial strip on Gouverneur. This would require employees driving a farther distance on the Chrysler-Plymouth property, but would have them enter and exit in a commercially zoned area, opposite commercial lots.

"I think our architect is working on a plan to put some of the parking around our body shop," Steven said.

The plan would not have as many parking spaces, he said, but would still help to alleviate the congestion on the streets.

Alan M. McHenry, the firm's architect, agrees that parking near the body shop would not provide as many spaces, and said he thinks it most likely that the plan to be submitted will be the one using existing drives.

"It's not as efficient," McHenry said, "but it's possible."

He and Steven have not decided on the final plan to be drafted, he said.

"I think it's a wonderful idea to have a parking lot," said Loral Tiger, who lives in the 600 block of Gouverneur.

But she doesn't support the plan with southern driveways.

"I think there's plenty of space. Like in a kitchen, you only have a certain space, but you can arrange it any way you want. I just can't believe there isn't another way to rearrange that space."

Tiger doesn't want the parking lot traffic to empty out onto Gouverneur south of the opening in the medial strip at Orme, because she thinks that the increase in traffic would only worsen an already existing problem.

"Gouverneur gets all the traffic," she said. "It's a straight shot from Kellogg to Lincoln."

There is already so much traffic, she said, and winter snows quickly pack down and the street ices over.

"At eight o'clock, when their employees are coming, people of the neighborhood will also be going," said Tiger.

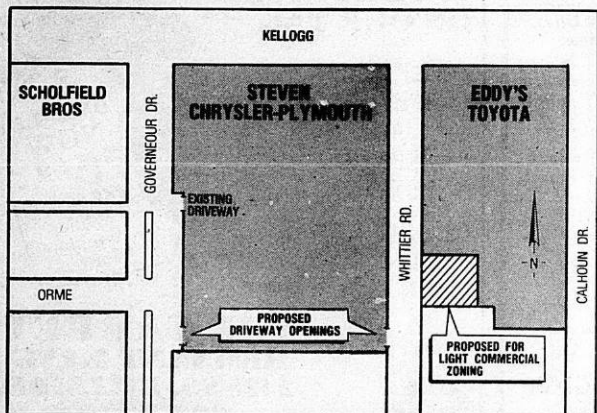
And in the evening, when the residents return, the employees will be leaving, she said.

"I don't have any personal profit from this," she said. "I just live here and see it on a day-to-day basis. I've seen what happens."

Tiger attended both the CPO and BZA meetings.

"The city said they could go along with a parking lot at the break," she said, "but there is already enough traffic at that intersection."

"To them (the dealerships)," said Tiger, "there's only one way to resolve the parking. But with all that space, I can't believe there isn't another solution."



Judy Stanley/Staff Artist

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4551

January 31, 1990

Mr. Cecil Peterson
620 Whittier
Wichita, KS 67207

Re: Loudspeakers at Steven Chrysler-Plymouth (7127 E. Kellogg)
and/or Eddy's Toyota (7333 E. Kellogg)

Dear Mr. Peterson:

At the Subdivision Committee meeting last Thursday, you mentioned that loudspeakers at the auto agencies on east Kellogg at Whittier were loud enough to be heard from your residence. Upon checking the Board of Zoning Appeals' case file which authorized auto sales in the "LC" Light Commercial District for these two agencies, I note that approval condition #12 states "No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure."

By copy of this letter I am reminding the owner of the auto agencies of this loudspeaker stipulation and asking him to immediately adjust the system so that it complies with the BZA requirement. I am also asking, by copy of this letter, that the City's Central Inspection Division monitor this situation periodically to determine compliance.

Should you continue to be bothered by the loudspeakers at these auto agencies, please feel free to call me at 268-4421 or Central Inspection at 268-4479.

Sincerely,


Louise Olivarez
Acting Chief Planner

LO:jcm

cc: E.M. Steven, P. O. Box 783010, 67278
Lance Flowers, Central Inspection
BZA 59-85 file
S/D 90-1 file

12-19-89 Leren Deines brought to me a copy of a site plan showing a 70' x 112' addition to the rear of 7330 E Kellogg. In accordance with Condition #18 of the resolution (BZA 59-85), Planning & CID are to make sure the total site is in compliance with all conditions of the resolution before more permits are issued. Since Lance Flowers is the CID inspector assigned to monitor BZA cases, I xeroxed a copy of the site plan which had been submitted to satisfy Condition #5, highlighted the portions of the property which are referenced in conditions of the resolution, and gave him a copy of the resolution to check for compliance.

He reported that the only deficiencies are:

BZA item #8. Only 3 trees exist (Cattler's cottonwood)

BZA item #20. Fence missing on east side of Whittier in distance 35' north of south property line.

He reported that the planters have been removed from v.o.w. (see Condition #19)

January 22, 1986

Everett Fettis
120 South Market, #504
Wichita, Kansas 67201

Re: BZA 59-85 - Request for Exception (7127-³7133 E. Kellogg)

Dear Mr. Fettis:

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

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.

Please note that the driveway locations are restricted by the conditions of the Resolution. In addition, the driveway approaches that are blocked by pipe rails and other devices must be removed and the curbs reconstructed in conformance with city standards.

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)
Don Gisick, City Clerk
Chrysler Realty Corp., c/o Don Boyer, 6916 W. 66th Street.,
Overland Park, KS 66202
Edward Steven, Steven Motors, 7217 E. Kellogg, Wichita, KS 67207

RESOLUTION CASE NO. 59-85

WHEREAS, Chrysler Realty Corp., c/o Don Boyer, 6916 W. 66th Street, Overland Park, Kansas, and Edward Stevens, Steven Motors, 7127 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit an amendment of a previously approved exception for a new and used automobile sales business (this application only pertains to the location of the driveway approaches for the employee parking lot to be located on the south portion of Chrysler Addition with driveway access locations to Gouverneur and Whittier) on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Chrysler Addition, and Lot 1 E.M. Stevens Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Gouverneur Road and Calhoun (7127-7333 E. Kellogg).

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 November 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 an amendment to a previously approved exception for a new and used automobile sales business on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.5, 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 an amendment to a previously approved exception for a new and used automobile sales business on property zoned the "LC" Light Commercial District legally described as follows:

Lot 1, Chrysler Addition, and Lot 1 E.M. Stevens Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Gouverneur Road and Calhoun (7127-7333 E. Kellogg).

subject to the following conditions:

1. The release of the resolution authorizing the installation of the driveway approaches to Gouverneur and Whittier is subject to the completion of vacation case V-1356 and the submission of three copies of the site plan set forth in condition number five.
2. No driveway approach on Gouverneur shall be located south of a line 84 feet north of the south line of Chrysler Addition.
3. No driveway approach shall be located on the west side of Whittier that would be less than 35 feet north of the southernmost property line of "LC" Light Commercial zoning on the east side of Whittier.
4. The applicant shall remove all trailers, trucks and heavy equipment that has been stored on the property in violation of the conditions of the "LC" Light Commercial District and approval of this BZA exception.
5. The applicant shall submit a site plan showing compliance with all conditions of approval as set forth herein.
6. The applicant shall install an employee parking lot for not less than 100 vehicles and instruct all employees to use the off-street parking for all vehicles, both personal and company.

7. Should at any point in time the two dealerships come under separate ownership, new site plans shall be submitted to the Secretary and the Superintendent of Central Inspection for review and approval for compliance with all conditions on each site as set forth herein.
8. The south 140 feet of the public property adjacent to Calhoun shall be landscaped as was required by the previous BZA resolution. This landscaping shall consist of not less than five street trees and shall be appropriately maintained. This landscaping shall be shown on the site plan as required by condition number 5.
9. All storage and display areas shall be paved with concrete or asphalt.
10. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
11. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance, including the limitation of one portable sign each property.
12. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
13. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done except in the area zoned "C" Commercial on Chrysler Addition.
14. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash. The location of any trash containers shall be within an area screened from view and not located on public right-of-way.
15. Any area used for the storage of wrecked vehicles shall be within an area screened from view.
16. 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.
17. No permanent structures shall be erected south of a line 425 feet south of the right-of-way line of Kellogg Drive.
18. Prior to the issuance of any additional building permits for any structures, a new site plan showing compliance with all conditions as set forth herein shall be submitted to the Secretary and the Superintendent of Central Inspection for approval and no construction shall begin before permits are obtained.
19. The applicant shall maintain the minor street privilege for the planters and the asphalt paving on public right-of-way on Kellogg Drive.
20. A six to eight foot high solid fence shall be constructed of redwood or cedar for the entire south property lines on both properties. In addition, the west property line adjacent to Gouverneur Road and south of the building shall be fenced with a solid fence except at the driveway approaches. Solid fencing shall be maintained for the south 100 feet adjacent to Calhoun. Solid fencing shall be maintained along Whittier on both sides of the street adjacent to the property line for a distance of not less than 35 feet north of the south line of any property zoned "LC" Light Commercial provided, however, one pedestrian gate adjacent to Whittier may be permitted to serve the employee parking lot.
21. Approval of this exception and the release of this resolution is intended to incorporate and supersede BZA Case No. 64-84, thereby making that resolution null and void.

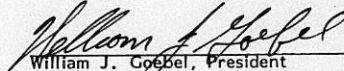
→
Only 3 trees
according to laws

→
aK

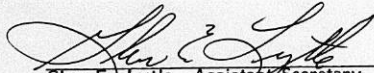
Land and
planters have
been removed

→
Part of this
fencing removed

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


William J. Goebel, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE November 26, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 59-85: South Side of
 Kellogg between Gouverneur and
 Calhoun

On Monday, November 25, 1985, CPO Council "H" was scheduled to consider the captioned case, a request for an amendment to a previously approved exception for a new and used automobile sales business. The amendment pertains only to the driveway approaches serving the employee parking lot to be located on the south portion of Chrysler Addition. Due to a lack of a quorum, the Council is unable to provide a recommendation to the Board of Zoning Appeals.

The applicants, Eddie Steven, Sr., and Mike Steven, Jr., and the agent, Everett Fettis, were present to respond to questions from the area residents.

Two area residents, Laurel and Jon Tiger, were present to express their opposition to the placement of the planned driveway on Gouverneur. The four Council members present concurred with the concerns expressed by the Tigers that the driveway be placed on Whitter rather than Gouverneur.

Please provide the concerns expressed by area residents to the Board of Zoning Appeals when BZA 59-85 is considered.

Barry L. Carroll

Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Stanley J. Scott

Stanley J. Scott
CP Coordinator

December 3, 1985

Everett Fettis
120 South Market, #504
Wichita, Kansas 67201

Re: BZA 59-85 Request for Exception
(7127-7333 East Kellogg)

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on November 26, 1985, your request for an exception was considered. It was the action of the Board to approve the application subject to the following conditions:

1. The release of the resolution authorizing the installation of the driveway approaches to Gouverneur and Whittier is subject to the completion of vacation case V-1356 and the submission of three copies of the site plan set forth in condition number five.
2. No driveway approach on Gouverneur shall be located south of a line 84 feet north of the south line of Chrysler Addition.
3. No driveway approach shall be located on the west side of Whittier that would be less than 35 feet north of the southernmost property line of "LC" Light Commercial zoning on the east side of Whittier.
4. The applicant shall remove all trailers, trucks and heavy equipment that has been stored on the property in violation of the conditions of the "LC" Light Commercial District and approval of this BZA exception.
5. The applicant shall submit a site plan showing compliance with all conditions of approval as set forth herein.
6. The applicant shall install an employee parking lot for not less than 100 vehicles and instruct all employees to use the off-street parking for all vehicles, both personal and company.

7. Should at any point in time the two dealerships come under separate ownership, new site plans shall be submitted to the Secretary and the Superintendent of Central Inspection for review and approval for compliance with all conditions on each site as set forth herein.
8. The south 140 feet of the public property adjacent to Calhoun shall be landscaped as was required by the previous BZA resolution. This landscaping shall consist of not less than five street trees and shall be appropriately maintained. This landscaping shall be shown on the site plan as required by condition number 5.
9. All storage and display areas shall be paved with concrete or asphalt.
10. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
11. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance, including the limitation of one portable sign each property.
12. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
13. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done except in the area zoned "C" Commercial on Chrysler Addition.
14. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash. The location of any trash containers shall be within an area screened from view and not located on public right-of-way.
15. Any area used for the storage of wrecked vehicles shall be within an area screened from view.
16. 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.
17. No permanent structures shall be erected south of a line 425 feet south of the right-of-way line of Kellogg Drive.
18. Prior to the issuance of any additional building permits for any structures, a new site plan showing compliance with all conditions as set forth herein shall be submitted to the Secretary and the Superintendent of Central Inspection for approval and no construction shall begin before permits are obtained.
19. The applicant shall maintain the minor street privilege for the planters and the asphalt paving on public right-of-way on Kellogg Drive.

December 3, 1985

20. A six to eight foot high solid fence shall be constructed of redwood or cedar for the entire south property lines on both properties. In addition, the west property line adjacent to Gouverneur Road and south of the building shall be fenced with a solid fence except at the driveway approaches. Solid fencing shall be maintained for the south 100 feet adjacent to Calhoun. Solid fencing shall be maintained along Whittier on both sides of the street adjacent to the property line for a distance of not less than 35 feet north of the south line of any property zoned "LC" Light Commercial provided, however, one pedestrian gate adjacent to Whittier may be permitted to serve the employee parking lot.
21. Approval of this exception and the release of this resolution is intended to incorporate and supersede BZA Case No. 64-84, thereby making that resolution null and void.

The release the resolution will be subject to compliance with conditions number one and five.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:lw

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
Chrysler Realty Corp., c/o Don Boyer, 6916 W. 66th Street,
Overland Park, KS
Edward Steven, Steven Motors, 7127 E. Kellogg, Wichita, KS
67207

SECRETARY'S REPORT
CASE NO. BZA 59-85

APPLICANT: Chrysler Realty Corp., c/o Don Boyer, 6916 W. 66th Street, Overland Park, KS and Edward Steven, Steven Motors, 7127 E. Kellogg, Wichita, KS.

AGENT: Everett Fettis, 120 S. Market, #504, Wichita, KS.

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit an amendment to a previously approved exception for a new and used automobile sales business. This amendment pertains only to the driveway approaches serving the employee parking lot to be located on the south portion of Chrysler Addition.

GENERAL LOCATION: On the south side of Kellogg between Gouverneur and Calhoun.

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the east, west and north. In addition, a portion of the properties to the east and west are "AA" One-family Dwelling District as are the properties to the south.

LAND USE: Subject property is presently occupied by two automobile sales businesses that front on Kellogg Drive. Adjacent commercial properties are developed with automobile sales businesses, motel and service station. Adjacent residential properties are developed with one-family dwellings.

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:

This application is basically to amend the previously approved site plan to permit driveway approaches to the employee parking lot to be located on the south portion of Chrysler Addition. The previously approved plan that was considered by the Board provided access to the lot only from the existing driveway located 265 feet north of the south property line of Chrysler Addition on Gouverneur Road. The applicants want to install the driveway approach further to the south on Gouverneur Road and install a driveway approach to the employee parking lot from Whittier. Prior to a recent request to vacate the complete access control on Chrysler Addition, no access was permitted on the south 260 feet on Gouverneur and the south 350 feet on Whittier. This vacation request has been approved by the Planning Commission except for the south 84 feet on Gouverneur and subject to approval by the Board for the location on Whittier before being forwarded to the City Commission for final approval.

Although the Secretary has requested a site plan from the agent on the desired location of the driveway approaches on Whittier, none have been supplied that indicate a driveway approach closer than 280 feet north of the south property line. It is the opinion of the Secretary that no driveway approach should be installed south of the south line of Orme Street where there is a break in the medial in Gouverneur Road. It is

also suggested that any driveway approaches to Whittier not be located any further south than 50 feet north of the "LC" Light Commercial Zoning District established on the east side of Whittier. This would provide some protection to the residences that remain by not allowing a driveway directly opposite or immediately near the front of the houses on this residential street.

Any approval of this application for the location of driveway approaches to Gouverneur and Whittier should be subject to a revised site plan being submitted in compliance with the conditions established by the Board. Since this application amends the previously approved case (BZA 64-84) the applicable conditions of that case should be carried over and become a part of this approval.

RECOMMENDATION:

Should the Board determine that the amendment for the location of the driveway approaches to Gouverneur Road and Whittier are appropriate, then it is the Secretary's recommendation that the exception be approved subject to the following conditions:

1. The release of the resolution authorizing the installation of the driveway approaches to Gouverneur and Whittier is subject to the completion of vacation case V-1356 and the submission of three copies of the site plan set forth in condition number five.
2. No driveway approach on Gouverneur shall be located south of a line 84 feet north of the south line of Chrysler Addition.
3. No driveway approach shall be located on the west side of Whittier that would be less than 50 feet north of the southernmost property line of "LC" Light Commercial zoning on the east side of Whittier.
4. The applicant shall remove all trailers, trucks and heavy equipment that has been stored on the property in violation of the conditions of the "LC" Light Commercial District and approval of this BZA exception.
5. The applicant shall submit a site plan showing compliance with all conditions of approval as set forth herein.
6. The applicant shall install an employee parking lot for not less than 100 vehicles and instruct all employees to use the off-street parking for all vehicles, both personal and company.
7. Should at any point in time the two dealerships come under separate ownership, new site plans shall be submitted to the Secretary and the Superintendent of Central Inspection for review and approval for compliance with all conditions on each site as set forth herein.
8. The south 140 feet of the public property adjacent to Calhoun shall be landscaped as was required by the previous BZA resolution. This landscaping shall consist of not less than five street trees and shall be appropriately maintained. This landscaping shall be shown on the site plan as required by condition number 5.
9. All storage and display areas shall be paved with concrete or asphalt.
10. All lights shall be shielded to direct light away from adjoining properties. No string type lighting or banners shall be permitted.
11. All signs shall be in compliance with the provisions of Section 28.04.139 of the zoning ordinance, including the limitation of one portable sign each property.
12. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

13. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be done except in the area zoned "C" Commercial on Chrysler Addition.
14. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash. The location of any trash containers shall be within an area screened from view and not located on public right-of-way.
15. Any area used for the storage of wrecked vehicles shall be within an area screened from view.
16. 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.
17. No permanent structures shall be erected south of a line 425 feet south of the right-of-way line of Kellogg Drive.
18. Prior to the issuance of any additional building permits for any structures, a new site plan showing compliance with all conditions as set forth herein shall be submitted to the Secretary and the Superintendent of Central Inspection for approval.
19. The applicant shall maintain the minor street privilege for the planters and the asphalt paving on public right-of-way on Kellogg Drive.
20. A six to eight foot high solid fence shall be constructed of redwood or cedar for the entire south property lines on both properties. In addition, the west property line adjacent to Gouverneur Road and south of the building shall be fenced with a solid fence except at the driveway approaches. Solid fencing shall be maintained for the south 100 feet adjacent to Calhoun. Solid fencing shall be maintained along Whittier on both sides of the street adjacent to the property line for a distance of not less than 50 feet north of the south line of any property zoned "LC" Light Commercial provided, however, one pedestrian gate adjacent to Whittier may be permitted to serve the employee parking lot.
21. Approval of this exception and the release of this resolution is intended to incorporate and supersede BZA Case No. 64-84, thereby making that resolution null and void.

BZA CASE NO. 59-85

<u>3</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>42</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>46</u>	TOTAL NOTICES SENT <u>11/5/85</u>

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

November 4, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 59-85

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 Chrysler Realty Corp., c/o Don Boyer, 6916 W. 66th Street, Overland Park, Kansas, and Edward Stevens, Steven Motors, 7127 East Kellogg, 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 an amendment of a previously approved exception for a new and used automobile sales business (this application only pertains to the location of the driveway approaches for the employee parking lot to be located on the south portion of Chrysler Addition with driveway access locations to Gouverneur and Whittier) on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Chrysler Addition, and Lot 1 E.M. Stevens Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Gouverneur Road and Calhoun (7127-7333 E. Kellogg).

This application has been assigned Case No. BZA 59-85. It will be considered by the Board of Zoning Appeals on November 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.

Glen E. Lytle
Assistant Secretary

BZA 59-85 ENVELOPES

CHRYSLER REALTY CORP
C/O DON BOYER
6916 W 66TH ST
OVERLAND PARK KS 66202

CHRYSLER REALTY CORP
ATTN J J BAKER
5600 NEW KING ST SUITE 350
TROY MI 48098

EDIE STEVEN
STEVEN MOTORS
7127 E KELLOGG
WICHITA KS 67207

EVERETT C FETTIS ATTORNEY
120 S MARKET #504
WICHITA KS 67202

ABKO PROPERTIES INC
6916 W 66TH ST
OVERLAND PARK KS 66202

MICHAEL E STEVEN
101 RIDGECREST
WICHITA KS 67218

NEVETS INC
7333 E KELLOGG
WICHITA KS 67207

ELIZABETH HORNING
OPAL RAMSDALL
542 WHITTIER
WICHITA KS 67202

CITY OF WICHITA
(USE ROUTE SLIP - DON'T MAIL)

JAMES ISAAC BROOKS
GEORGIA L KELLY BROOKS
555 CALHOUN
WICHITA KS 67207

LIGHTNER HOTELS INC
7335 E KELLOGG
WICHITA KS 67207

ROBERT S LIGHTNER
GWENDOLYN H LIGHTNER
1718 N CYPRESS DR
WICHITA KS 67206

EUGENE W LIGHTNER
8424 LAKELAND CT
WICHITA KS 67207

THOMAS M FORSTER
MARCELLA M FORSTER
548 CALHOUN
WICHITA KS 67201

MARJORIE A WASINGER
554 CALHOUN
WICHITA KS 67207

ALONZO C SMITH SR
SHIRLEY J SMITH
602 CALHOUN
WICHITA KS 67207

EDMUND ARTHUR WOODCOX
LUCILA WOODCOX
7309 E ORME ST
WICHITA KS 67207

CHARLES W LONDON
VERA A LONDON
4805 E 24TH ST NORTH
WICHITA KS 67220

JON M TIGER
LAUREL A TIGER
608 COVERNEOUR
WICHITA KS 67207

WILLIAM STEPHEN TIMMERMAN
614 COVERNEOUR
WICHITA KS 67207

GILBERT EALY
KAREN Y EALY
2101 W 21ST ST
TOPEKA KS 66604

DIANA CONNER
640 N ROCK RD
NEWS 7
WICHITA KS 67207

DAVID EARLE BARNES
ROBERTA E BARNES
14700 WILLOWBEND CR
WICHITA KS 67230

(BZA 59-85 Cont'd.)

DAVID A CHERRY
6535 RANDALL
WICHITA KS 67219

WALTER L JOHNSON JR
LORENE B JOHNSON
601 WHITTIER
WICHITA KS 67207

FRANK L SETEN
ROBERT RAY SETEN
602 WHITTIER
WICHITA KS 67207

DRANDCO A KANSAS CORP
2930 E HARRY
WICHITA KS 67211

LEE G GRADY
JOHNIE GRADY
614 WHITTIER
WICHITA KS 67207

CECIL I PETERSON
BETTY R PETERSON
620 WHITTIER
WICHITA KS 67207

JOHN P REDMAN
LEORA K REDMAN
621 CALHOUN
WICHITA KS 67207

LINDA M OCHS
HENRY B PORTER
621 CALHOUN
WICHITA KS 67207

JOSEPH G SIMON
CLARYCE J SIMON
4325 E LEWIS
WICHITA KS 67218

BILLY R POPCHOKE
WILMA D POPCHOKE
607 CALHOUN
WICHITA KS 67207

CHARLES V LAMBERTZ
5606 ROCKWOOD RD
WICHITA KS 67208

ESTHER L MARSHALL
333 N BROOKSIDE
WICHITA KS 67208

KAY D HARTMAN
8330 LIMERICK LN
WICHITA KS 67206

RONNIE L TROY
MARY C TROY
620 TIPPECANOE
WICHITA KS 67209

SCHOLFIELD-HATCHETT
7633 E KELLOGG
WICHITA KS 67207

WALTER MORRIS INVESTMENT CO INC
128 S DELLROSE AVE
WICHITA KS 67206

M & N INVESTMENT
150 N MARKET
WICHITA KS 67202

E V YINGLING JR
DOREEN M YINGLING
24 VIA ROMA
WICHITA KS 67230

O L ECK
320 WINDROSE
CADDARD KS 67052

ABDUL R ELHELWI
IMAN ELHELWI
621 CALHOUN
WICHITA KS 67207

DONALD L BROYLES
RUTH H BROYLES
7037 E ORME
WICHITA KS 67207

W R AZIM
422 S OLIVER
WICHITA KS 67218

FORM 29-021

PAYMENT NOTICE
City of Wichita

	Code Bks	Copies
Bldg.	Use of Str.	
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.
	<u>Planning</u>	

DESCRIPTION	AMOUNT
CITY B2A EXCEPT.	\$ 400 ⁰⁰
CITY B2A VAR	300 ⁰⁰
	<u>TOTAL 700⁰⁰</u>

NAME EVERETT FETTIS

ADDRESS 120 S. MKY #504

FUND 755-40710-003

COMMENTS

DATE OCT 28, 1985

BY *[Signature]*

BOARD OF ZONING APPEALS

CASE NO. 59-85

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Chrysler Realty Corp. % Don Boyer
6916 W. 66th St., Overland Park, Ks. 66202
 * Edie Staven, Steven Motors
 Mailing Address 7127 E. Kellogg, W.K. 67209 Phone 685-4201
 Name of Authorized Agent Everett C. Fattis, Atty
 Mailing Address 120 S. Mkt. #504, W.K. Phone 267-7251
 Relationship of applicant to property is that of owners
 (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 new and used automobile sales business

_____ on property zoned "LC Light Commercial"
 located on the so. side of Kellogg between Governor and Cathman and legally
 described as: Lot 1, Chrysler Addn. and Lot 1, E.M. STEVENS
THIRD ADDITION TO WICHITA, SEDGWICK CO., KS.

_____ 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 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 _____
 Authorized Agent Everett C. Fattis

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:30 (a.m./p.m.), Oct. 28, 1985, together with appropriate fee of 400.00.

Signed [Signature]

OWNERSHIP LIST

*any new
changes
Chrysler Realty Corp.
5600 New King St
Smith 350
Troy, Mi. 48098*

Lot	Block	Addition	Property Owner
Lot 1		Chrysler Addition	✓ ABKO Properties Inc. 6916 West 66 Street Overland Park Kansas 66202
Lot 1		Keys Addition	⊃ Edward M. Steven 8201 Killarney Court 67206 ✓ Michael E. Steven 101 Ridgcrest 67218
Lot 2		"	Same as above
Lot 4		"	⊃ Eddy's Toyota of Wichita Inc. 7333 E. Kellogg 67207
The South 50 feet of Lot 5		"	✓ Nevets, Inc. 7333 E. Kellogg 67207
Lot 1		Keys Second Addition	✓ Elizabeth Horning Opal Ramsdall 542 Whittier 67202
The West 37 feet of Lot 2 and the West 37 feet of Lot 3		"	Same as above
Lot 2, except the West 37 feet		"	✓ <i>hook</i> City of Wichita 455 North Main 67202
Lot 3, except the West 37 feet		"	✓ James Isaac Brooks Georgia L. Kelly Brooks 555 Calhoun 67207
Lot 1		E.M. Stevens 2nd Addition	⊃ Nevets, Inc. 7333 E. Kellogg 67207

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1 and Lot 2 and that portion of vacated Kellogg Street accruing thereto, more particularly described as: Beginning at the Northeast corner of Lot 1, Block 1, Eastridge 8th Addition, (now replatted as part of Lot 1, Block A, Lightner Addition); thence West along the North line of said Lot 1 to the NorthWest corner of said Lot 1; thence North 3.5 feet; thence East parallel to the North line of said Lot 1, to the West line of Armour Drive (now vacated) extended from the South; thence Southerly along said West line extension to the place of beginning.		Lightner Addition	✓ Lightner Hotels Inc. 7335 E. Kellogg St. 67207
Lot 2 and Lot 3	1	Eastridge Eighth Addition	✓ Robert S. Lightner ✓ Gwendolyn H. Lightner 1718 N. Cypress Drive 67206 ✓ Eugene W. Lightner 8424 Lakeland Ct. 67207
Lot 4	1	"	✓ Thomas M. Forster ✓ Marcella M. Forster 548 Calhoun 67201
Lot 5	1	"	✓ Marjorie A. Wasinger 554 Calhoun 67207
Lot 1	2	"	✓ Alonzo C. Smith Sr. ✓ Shirley J. Smith 602 Calhoun 67207
Lot 2	2	"	✓ Edmund Arthur Woodcox ✓ Lucila Woodcox 7309 E. Orme Street 67207
Lot 1 except the West 16 feet	A	Eastridge Sixth Addition	✓ Charles W. London ✓ Vera A. London 4805 East 24th St. North 67220

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 2 except the West 16 feet	A	Eastridge Sixth Addition	Jon M. Tiger Laurel A. Tiger 608 Gouverneur 67207
Lot 3 except the West 16 feet	A	"	William Stephen Timmerman 614 Gouverneur 67207
Lot 4 except the West 16 feet	A	"	Gilbert Ealy Karen Y. Ealy 2101 West 21st St. Topeka, Kansas 66604
Lot 25	A	"	Diana Conner 621 Whittier 67207 <i>Returned 9-10-86 Rec'd to 6040 N. Rock Rd. P.O. Box 7</i>
Lot 26	A	"	David Earle Barnes Roberta E. Barnes 14700 Willowbend Circle 67230
Lot 27	A	"	David A. Cherry 6535 Randall 67219
Lot 28	A	"	Walter L. Johnson, JR. Lorene B. Johnson 601 Whittier 67207
Lot 1	B	"	Frank L. Seten Robert Ray Seten 602 Whittier 67207
Lot 2	B	"	Drandco, a Kansas Corp. 2930 E. Harry 67211
Lot 3	B	"	Lee G. Graddy Johnnie Graddy 614 Whittier 67207
Lot 4	B	"	Cecil I. Peterson Betty R. Peterson 620 Whittier 67207
Lot 19	B	"	John P. Redman Leora K. Redman 621 Calhoun 67207 Aff. of Interest filed by Linda M. Ochs and Henry B. Porter of the same address

Lot	Block	Addition	Property Owner
Lot 20	B	Eastridge Sixth Addition	✓ Joseph G. Simon Claryce J. Simon 4325 E. Lewis 67218
Lot 21	B	"	✓ Billy R. Popchoke Wilma D. Popchoke 607 Calhoun 67207
Lot 22	B	"	✓ Charles V. Lambertz 5606 Rockwood Road 67208
Lot 7	1	Eastridge 5th Additon	✓ Esther L. Marshall 333 N. Brookside 67208
Lot 8	1	"	Donald L. Broyles Ruth H. Broyles address Unknown
Lot 9	1	"	✓ Kay D. Hartman 8330 Limerick Lane 67206
Lot 10	1	"	✓ Ronnie L. Troy Mary C. Troy 620 Tippecanoe 67209
The East 31 feet of Lot 9, and the West 25 feet of Lot 10	10	Eastridge Addition	✓ Scholfield-Hatchett 7633 East Kellogg 67207
The West 49 feet of Lot 9	10	"	Same as above
Lot 2		Bridwell Addition	✓ Walter Morris Investment Co. Inc. 128 S. Dellrose Ave.
Lot 3		"	Same as above
The South 180 feet of Lot 2		Clayton Addition	W. R. Azim Address Unknown
Lot 1		Rockwood South First Addition	✓ M & N Investment 150 N. Market 67202

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 2	Rockwood South First Addition	✓ E. V. Yingling Jr. Doreen M. Yingling 24 Via Roma <i>returned 9-10-84</i> 67230
Lot 1	Rockwood South Third Addition	✓ O. L. Eck ✓ 320 Windrose Goddard 67052

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

- Lots 1, 2, 4 and the South 50 feet of Lot 5, Keys Addition;
- Lot 2, Except the West 37 feet, Keys 2nd Addition;
- Lot 1, E.M. Steven's Second Addition, and
- Lot 1, Chrysler Addition

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of August, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Gable
Sr. Vice-President

Order No: 338076
ap

UPDATE OWNERSHIP LIST NO. 338076

We hereby update Ownership List No. 338076 of the property owners within a 200 foot radius of:

Lots 1, 2, 4 and the South 50 feet of Lot 5, Keys Addition,
Lot 2, except the West 37 feet, Keys 2nd Addition,
Lot 1, E. M. Steven's Second Addition, AND
Lot 1, Chrysler Addition.

on the 29th day of October, 1985, at 7:00 o'clock A.M. without change except:

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, 2, 4 and the South 50 feet of Lot 5, Keys Addition, now platted as part of Lot 1, E. M. Steven's Third Addition.	Edward M. Steven 8201 Killarney Court Wichita, KS 67206 AND Michael E. Steven 101 Ridgecrest Wichita, KS 67218 AND Eddy's Toyota of Wichita Inc. 7333 E. Kellogg Wichita, KS 67207 AND Nevets, Inc. 7333 E. Kellogg Wichita, KS 67207
Lot 2, except the West 37 feet, Keys Second Addition, now platted as part of Lot 1, E. M. Steven's Third Addition.	Eddy's Toyota of Wichita, Inc. 7333 E. Kellogg Wichita, KS 67207
Lot 1, E. M. Stevens Second Addition, now platted as part of Lot 1, E. M. Steven's Third Addition.	Nevets, Inc. 7333 E. Kellogg Wichita, KS 67207
Lots 2, 3, 4 and 5, Eastridge Eighth Addition, now platted as Lot 1, Block A, Robert Lightner Addition.	Lightner Management Company 250 W. Douglas Wichita, KS 67202
Lot 19, Block B, Eastridge Sixth Addition.	Abdul R. Elhelwi Iman Elhelwi 621 Calhoun Wichita, KS 67207
Lot 8, Block 1, Eastridge 5th Addition.	Donald L. Broyles Ruth H. Broyles 7037 E. Orme Wichita, KS 67207

Property Description

Property Owner

The East 31 feet of Lot 9, and
the West 25 feet of Lot 10 and
the West 49 feet of Lot 9, East-
ridge Addition, now platted as
part of Lot 1, Scholfield-Hatchett
Addition.

Scholfield-Hatchett
7633 East Kellogg
Wichita, KS 67207

Lots 2 and 3, Bridwell Addition,
now platted as part of Lot 1,
Scholfield-Hatchett Addition.

Walter Morris Invest-
ment Co. Inc.
128 S. Dellrose
Wichita, KS 67218

Lot 2, Clayton Addition

✓ W. R. Azim
422 S. Oliver
Wichita, KS 67218

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Stalle

Sr. Vice-President

Order No: 352853
Update No: 338076

*

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