

BZA 27-73 - Daniel Carney and
Lindy Andeel request exception to
permit new and used car sales on
the north side of Orme between
Levington Rd. & Brookside Dr.

ACTION

BZA COMMITTEE Approve DATE Oct 23, 1973

M.A.P.C. _____

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

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

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 18, 1975


TO File

FROM Jack H. Galbraith, Chief Planner

SUBJECT Case No. BZA 23-73 - Davis Moore Oldsmobile, Inc.

Reference my memo to Robert Feldner, dated April 16, 1975, concerning neighborhood complaints about the Davis-Moore Oldsmobile operation.

On this date I received a phone call from Everett Fettis' secretary stating that although Mr. Fettis was in the hospital, a representative from his office had been in contact with Davis-Moore Oldsmobile and that KG&E people were coming out to properly adjust the light in question. She also stated that Davis-Moore would disconnect their loudspeaker, which was another area of complaint from the neighborhood.


Jack H. Galbraith
Chief Planner

JHG:LD:js

April 16, 1975

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Davis-Moore Oldsmobile, Inc., 6215 East Kellogg

In recent years there have been several BZA exceptions approved in association with the Davis-Moore Oldsmobile operation at 6215 East Kellogg.

We recently received a complaint from the residential neighborhood south of Orme Street in reference to one of Davis-Moore's lights near Orme Street that is reflecting light into the neighborhood and creating a driving hazard to motorists traveling west on Orme at night. This light was apparently installed properly, so as to reflect light downward, but has somehow been jarred from the proper adjustment. The light is located on property that was granted an exception as a new and used car lot under case number BZA 27-73. Condition of approval #4 of the official resolution states that "All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted."

A complaint was also voiced concerning the loudspeaker system generating from the Davis-Moore shop. It is reported to be clearly audible in the adjoining residential neighborhood from 7:30 in the morning until late at night, and the concern was expressed that with the coming of warm weather, with associated outdoor activities and open windows, this could create a very annoying situation. Again, referring to conditions of approval attached to Davis-Moore's various BZA exceptions, a standard condition in each case was "No sound projecting devices or loudspeakers shall be used."

Since these two stated complaints reflect a violation of Board of Zoning Appeals conditions of approval, it is requested that the matter be reviewed and necessary action taken to assure compliance with Board of Zoning Appeal directives.

If you have any questions concerning this matter, please call.

Jack H. Galbraith
Chief Planner

JHG:js

Robert Feldner
April 16, 1975
Page Two

cc: Davis-Moore Oldsmobile, c/o Pete Klein, 6215 E. Kellogg, 67218
Everett Fettis, 120 South Market, 67202
Fred Linde, Grievance Officer
Joe Donnelly, Central Inspection Division
Richard Shull, BEA Legal Counsel

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 22, 1974

TO The File
FROM Jack H. Galbraith, Chief Planner *JHG*
SUBJECT BZA 27-73

On Wednesday July 17, 1974, BZA case file 27-73 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 October 23, 1973.
- 2) A copy of the signed resolution on BZA 27-73.
- 3) Three letters dated October 23, October 31, and December 17, 1973 which were sent to the applicant's attorney, Everett Fettis.

Some items previously found in the file were not available elsewhere and remain missing from the reconstructed file of BZA 27-73. 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) Plot plan submitted with BZA 27-73.

JHG:MM:rme

December 17, 1973

Mr. Robert C. Fattis
120 South Market
Wichita, Kansas 67202

RE: Case No. DCA 27-73
Request for Exception

Dear Mr. Fattis:

Enclosed is a signed copy of the Resolution adopted by the Board of zoning Appeals on October 23, 1973, in connection with your request for an exception to permit the establishment of a new and used car sales lot on property zoned the "TC" Light Commercial District, and generally located on the North side of Gove in an area between Lexington Road and Brookside Drive.

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,



Jack H. Callenbach
Secretary

JHG:rv

Enclosures

cc: Donald W. Ellis, Gen. County Supt., 120 S. Market, 67202
Dorothy Arnold and David Curney, 1600 West Central, 67203
Mr. and Mrs. Walter H. Vail, 607 S. Brookside, 67213
Mrs. Robert B. Pool, 602 S. Brookside, 67213
Mr. and Mrs. Miller Williams, 601 S. Brookside, 67213
Mrs. W. G. Lee, 609 S. Brookside, 67213

Mr. Barrett C. Pettis
Page 2

cc: Mr. and Mrs. David Pottag, 621 S. Brookside, 67219
Mr. Floyd W. Hall, 615 S. Brookside, 67219
Mrs. T. D. Salt, 627 S. Brookside, 67219
Robert Walker, Superintendent of Central Inspection
✓ Ralph Kierly, City Clerk
Joe Kennedy, Central Inspection

RESOLUTION NO. BZA 27-73

WHEREAS, Lindy Andeel and Daniel Carney, 5900 East Central, Wichita, Kansas, by Everett C. Fettis, 120 South Market, Wichita, Kansas, request an exception to permit the establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1, 2, 3, 4, and 5 in Driver's Addition, Wichita, Sedgwick County, Kansas, and the South 270 feet of the West 30 feet of Waverly Drive and the South 160 feet of the East 30 feet of Waverly Drive adjacent. Generally located on the North side of Orme in an area between Lexington Road and Brookside 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 on September 25, 1973, in considering said application, deferred it at the request of the applicant until October 23, 1973; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of October 23, 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 establishment of a new and used car 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 a new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

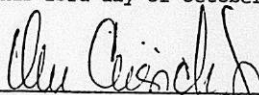
Lots 1, 2, 3, 4, and 5 in Driver's Addition, Wichita, Sedgwick County, Kansas, and the South 270 feet of the West 30 feet of Waverly Drive and the South 160 feet of the East 30 feet of Waverly Drive adjacent. Generally located on the North side of Orme in an area between Lexington Road and Brookside Drive.

subject to the following conditions:

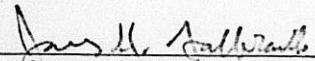
1. This exception shall include new and used cars only, and not be construed to include trailers, motorcycles, motor homes, or other recreational vehicles.
2. This exception shall be valid only if the new and used car sales and storage is operated in conjunction with the existing operation which is located adjacent to Kellogg.

3. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
4. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
5. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
6. No sound projecting devices or loudspeakers shall be used.
7. No repair work shall be conducted except in an enclosed building, and further provided that no body and fender work is done.
8. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
9. A 5 to 8 foot solid fence constructed of masonry, architectural tile, staggered or louvered redwood, or rough sawed cedar shall be constructed along the south and west property lines.
10. There shall be no ingress or egress from subject property on Orme Street.
11. All conditions of approval by the Board shall be complied with before the lot is utilized for new and used car sales, or this case shall be considered null and void.
12. The applicant shall submit two corrected copies of the plot plan approved by the Traffic Engineer, indicating the north-south 10 foot pedestrian easement and showing the placement of bumper guards to protect the pedestrian easement, fencing, traffic circulation and parking.
13. Under no circumstances shall there be any structure or fencing of any kind erected on or above the pedestrian easement.
14. In the event the pedestrian easement is not granted, this resolution is to be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1973.


Kenneth M. Cusick, Temporary
Chairman

ATTEST:


Jack H. Galbraith, Secretary

October 31, 1973

Mr. Everett C. Fattis
120 South Market
Wichita, Kansas 67202

Dear Mr. Fattis:

At the recent meeting of the Board of Zoning Appeals on October 23, 1973, during the discussion of your client's request for an exception for the new and used car sales lot (SEA Case No. 27-73), the opposition presented pictures of the general area. One picture in particular showed an automobile transport truck parked on a residential street and the neighborhood stated that this often occurs and that the trucks are unloaded on public streets often during late night and early morning. (6:30 a.m.) hours. The neighbors stressed that the complaint has been brought before the Board of Zoning Appeals each time Davis-Moore has requested an exception. The Board requested that I advise you and your client of this persistent problem.

Section 7.40.040(11), Code of the City of Wichita, defines excessive noise resulting from industry or commercial operations as a nuisance, and Section 7.40.040 states that "it is unlawful for any person to maintain or permit to exist any nuisance herein described." Such conditions are declared to be "injurious to the health and well being of citizens of the City of Wichita." It would, therefore, seem more appropriate for unloading operations to take place during normal business hours and on private property. In addition, an off-street truck unloading space could be included in the revised parking and circulation plans to be submitted to the Board for the property involved in Case No. SEA 27-73.

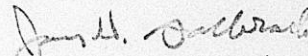
Mr. Everett C. F. is

Page 2

Inasmuch as this problem has been presented to the Board of Zoning Appeals and is an apparent problem to the neighborhood, we would appreciate your reviewing this matter with your client and taking the necessary steps to see that the problem is resolved.

Please call if you have any questions concerning this matter.

Sincerely,



Jack H. Calbraith, Secretary
Board of Zoning Appeals

JHG:rw

cc: Davis-Moore Oldsmobile, c/o Pete Klein, 6215 E. Kellogg, 67218
Priscilla L. Lee, Chairman, Board of Zoning Appeals
Mr. and Mrs. Walter S. Vail, 607 S. Brookside, 67218
Mrs. Norbert B. Reel, 602 S. Brookside, 67218
Mr. and Mrs. Walter J. Wattman, 601 S. Brookside, 67218
Mrs. W. G. Lee, 608 S. Brookside, 67218
Mr. and Mrs. David Sentag, 621 S. Brookside, 67218
Mr. Floyd W. Hall, 615 S. Brookside, 67218
Mrs. T. D. Self, 628 S. Brookside, 67218
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

October 25, 1973

Mr. Everett C. Fettis
120 South Market
Wichita, Kansas 67202

RE: Case No. BEA 27-73
Request for Exception

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on October 23, 1973, your request for an exception to permit the establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District, and generally located on the North side of Oran in an area between Lexington Road and Brookside Drive, was considered.

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

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

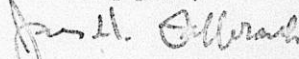
Mr. Everett C. Fattis
Page 2

6. No sound projecting devices or loudspeakers shall be used.
7. No repair work shall be conducted except in an enclosed building, and further provided that no body and fender work is done.
8. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
9. A 5 to 8 foot solid fence constructed of masonry, architectural tile, staggered or louvered redwood, or rough sawed cedar shall be constructed along the south and west property lines.
10. There shall be no ingress or egress from subject property on Orma Street.
11. All conditions of approval by the Board shall be complied with before the lot is utilized for new and used car sales, or this case shall be considered null and void.
12. The applicant shall submit two corrected copies of the plot plan approved by the Traffic Engineer, indicating the north-south 10 foot pedestrian easement and showing the placement of bumper guards to protect the pedestrian easement, fencing, traffic circulation and parking.
13. Under no circumstances shall there be any structure or fencing of any kind erected on or above the pedestrian easement.
14. In the event the pedestrian easement is not granted, this resolution is to be considered null and void.

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,



Joe H. Galbraith
Secretary

JHG:rw

Mr. Everett C. Feltis
Page 3

cc: Gerald E. Wells, One Twenty Bldg. 120 S. Market, 67202
Lindy AnCoel and Daniel Carney, 5900 East Central, 67203
Mr. and Mrs. Walter S. Vail, 607 S. Brookside, 67213
Mrs. Herbert E. Paol, 602 S. Brookside, 67213
Mr. and Mrs. Walter Watten, 601 S. Brookside, 67213
Mrs. W. G. Lee, 608 S. Brookside, 67213
Mr. and Mrs. David Sontag, 621 S. Brookside, 67213
Mr. Floyd W. Hall, 615 S. Brookside, 67213
Mrs. T. D. Self, 628 S. Brookside, 67213
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

iance to reduce the required side yard setback adjacent to the West line of Lot 34 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 33 from 5 feet to 0 feet; the required side yard setback adjacent to the East line of Lot 53 and the South 30 feet of Lot 4, from 5 feet to 0 feet the required front yard setback from 20 feet to 0 feet on Lots 29 through 53 inclusive; and an increase of the maximum building height from 55 feet to 140 feet on Lots 46 through 53 inclusive; on property zoned the "B" Multiple Family Dwelling District and the "BB" Office District, and legally described as:

The South 30 feet of Lot 4 and Lots 29 through 53 inclusive in the Nob Hill Addition to Wichita, Sedgwick County, Kansas. Generally located between Murdock and Pine on the West side of Rutan.

be approved subject to the following conditions:

1. The parking garage is to provide a minimum of 750 parking spaces, and a minimum total of 1700 spaces is to be provided for the Wesley Hospital complex and medical office building.
2. The medical office building and the parking garage are to be built concurrently.
3. The applicant will proceed, with all due diligence, to record the plat of Wesley Medical Center Second Addition with the Register of Deeds by January 1, 1974.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1973.

Kenneth M. Cusick, Temporary
Chairman

ATTEST:

Jack H. Galbraith, Secretary

4. Case No. BZA 27-73 - Lindy Andeel and Daniel Carney, 5900 East Central, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District, and legally

described as Lots 1, 2, 3, 4 and 5 in Driver's Addition, Wichita, Sedgwick County, Kansas, and the South 270 feet of the west 30 feet of Waverly Drive and the south 160 feet of the east 30 feet of Waverly Drive adjacent. Generally located on the north side of Orme in an area between Lexington Road and Brookside Drive.

GERALD E. WELLS, attorney, stated he was present to represent the applicant in place of Everett Fettis, who was in court and unable to attend the meeting.

GALBRAITH pointed out the area on the map and commented that there was considerable history in the area, involving previous exceptions for Davis-Moore Oldsmobile. He explained that recently Waverly Drive was vacated by the City, and this property was included in the exception request, and that a pedestrian easement to allow a sidewalk on the property is being prepared by Mr. Fettis for the applicants. GALBRAITH pointed out that the parking plan submitted by the applicants did not show the location of the sidewalk or the easement and the plans should therefore be revised and reapproved by the Traffic Engineer. He reviewed the following report of the Secretary.

JURISDICTION:

The applicants are requesting an exception to permit the establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District. In their statement of justification, the applicants state that the property will be utilized for expansion by Davis-Moore, Inc. in conjunction with their new and used car storage lots located adjacent to the east of subject property (BZA 12-68 and BZA 20-72). Since the property will be utilized in connection with an existing adjacent new and used car agency, which has frontage along Kellogg, the Zoning Ordinance provision requiring car agencies in the "LC" District to be located on a major street will be met.

On April 3, 1973, a zone change from the "A" Two Family Dwelling District and the "BB" Office District to the "LC" District was approved for subject property (Z-1488), subject to the dedication of complete access control adjacent to Orme. The vacation of Waverly Drive from Kellogg Drive to Orme (V-0651) was approved by the City Commission on September 4, 1973, also subject to complete access control adjacent to Orme. The plot plan submitted by the applicants indicating parking and circulation shows no access to Orme and has been approved by the Traffic Engineering Division.

RECOMMENDATION:

It is the recommendation of the Secretary that the request for an exception to permit the establishment of a new and used car sales lot be approved subject to the following conditions:

1. This exception shall include new and used cars only, and not be construed to include trailers, motorcycles, motor homes, or other recreational vehicles.
2. This exception shall be valid only if the new and used car sales and storage is operated in conjunction with the existing operation which is located adjacent to Kellogg.
3. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
4. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
5. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
6. No sound projecting devices or loudspeakers shall be used.
7. No repair work shall be conducted except in an enclosed building and further provided that no body and fender work is done.
8. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
9. A 5 to 8 foot solid fence constructed of masonry, architectural tile, staggered or louvered redwood, or rough sawed cedar shall be constructed along the south and west property lines.
10. There shall be no ingress or egress from subject property on Orme Street.
11. All conditions of approval by the Board shall be complied with before the lot is utilized for new and used car sales, or this case shall be considered null and void.

GALBRAITH informed the Board that he had received telephone calls from Mrs. Pat Ree, Mr. and Mrs. David Sontag and Mrs. Floyd Hall, adjoining property owners, who stated that they could not attend the meeting, but they were opposed to the request.

WELLS said the City Attorney was preparing the necessary documents for dedicating the sidewalk easement and the applicants would be agreeable to the exception being approved subject to that condition.

GALBRAITH said the only condition he would add would be making approval subject to the applicants providing two revised copies of the parking plans approved by the Traffic Engineer.

CUSICK asked if anyone was present to speak in opposition to the application.

MRS. WALTER WATTMAN, 601 South Brookside, presented a copy of the minutes of the October 9th meeting of the Board of City Commissioners at which a petition signed by 561 people opposing the exception was presented. She read the petition to the Board.

WALTER WATTMAN said he would like to point out that when the five lots in the application were re-zoned to the "LC" Eight Commercial District the abstract company preparing the ownership list submitted with the zone change application omitted his name, and he did not receive notice of the proposed zone change. He stated that he would have protested that change in zoning. At this time, he said, he wished to protest the exception being requested for that area.

CUSICK requested that he review some of the reasons he was opposed to the request.

WATTMAN said in the evenings people would park their cars and climb up and look over the fence into the existing lot, and police with shotguns would come to watch the area. He said the police helicopter also came by frequently and would shine its spotlight down late at night and early in the morning, and that this sort of thing disturbed the neighborhood.

CUSICK said he was surprised at the opposition to the exception since light commercial zoning permits more objectionable uses than the one requested by the applicant.

WATTMAN said that he thought there was an equal amount of opposition from the neighborhood to the first lot that went in.

MRS. W.S. VAIL, 607 Brookside, stated that she thought another car lot in the area would be compounding an error. She said that cars were unloaded at approximately 6:00 a.m. at Orme and Courtleigh, and the noise was disturbing. She added that there was so much vandalism that Davis-Moore had to put barbed wire along the top of the fence. She said that the golf carts used by the company, go back and forth, and she thought those were illegal on city streets. She stated that the traffic and noise problems would be compounded if the variance were granted. MRS. VAIL presented some pictures to the Board showing the problems caused by the operation of these lots in the neighborhood.

MRS. WATTMAN explained that she thought there were supposed to be buffers between light commercial zoning and single family zoning, such as the duplex or office zoning which had existed, and now they were asking for a heavy commercial exceptions in the light commercial district. He pointed out that the sidewalk issue had been presented by the residents to the County Commission, and she said she felt that the full picture had not been presented.

CUSICK asked if the zone case had been approved by both Commissions.

GALBRAITH said it had, that it was the vacation case for Waverly that had not yet been completed because of the sidewalk problem.

MRS. WATTMAN said that the neighborhood did not want a fence next to the sidewalk where the drive crossed it because it might be difficult to see children crossing the drive.

WELLS said his clients would cooperate in every way to protect the users of the sidewalk.

CUSICK said he thought there were other uses which would be more objectionable, such as a drive-in restaurant or a motel, which were permitted in light commercial zoning.

GALBRAITH stated that a fence could not be placed over a pedestrian easement, if this was what concerned Mrs. Wattman.

MOTION: CUSICK moved, DOKE seconded, and it carried unanimously that the exception be approved subject to the conditions contained in the Secretary's report and adding conditions 12, 13, and 14 as shown by the adoption of the following Resolution:

RESOLUTION NO. BZA 27-73

WHEREAS, Lindy Andeel and Daniel Carney, 5900 East Central, Wichita, Kansas, by Everett C. Fettis, 120 South Market, Wichita, Kansas, request an exception to permit the establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1, 2, 3, 4, and 5 in Driver's Addition, Wichita Sedgwick County, Kansas, and the South 270 feet of the West 30 feet of Waverly Drive and the South 160 feet of the East 30 feet of Waverly Drive adjacent. Generally located on the North side of Orme in an area between Lexington Road and Brookside 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 on September 23, 1973, in considering said application, deferred it at the request of the applicant until October 23, 1973; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of October 23, 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 establishment of a new and used car sales lot on property zoned the "LC" Light Commercial District, subject to the conditions outlined in Section 28.04.193.2 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 new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1, 2, 3, 4, and 5 in Driver's Addition, Wichita, Sedgwick County, Kansas, and the South 270 feet of the West 30 feet of Waverly Drive and the South 160 feet of the East 30 feet of Waverly Drive adjacent. Generally located on the North side of Orme in an area

between Lexington Road and Brookside Drive.

subject to the following conditions:

1. This exception shall include new and used cars only, and not be construed to include trailers, motorcycles, motor homes, or other recreational vehicles.
2. This exception shall be valid only if the new and used car sales and storage is operated in conjunction with the existing operation which is located adjacent to Kellogg.
3. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
4. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
5. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
6. No sound projecting devices or loudspeakers shall be used.
7. No repair work shall be conducted except in an enclosed building, and further provided that no body and fender work is done.
8. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
9. A 5 to 8 foot solid fence constructed of masonry, architectural tile, staggered or louvered redwood, or rough sawed cedar shall be constructed along the south and west property lines.
10. There shall be no ingress or egress from subject property on Orme Street.
11. All conditions of approval by the Board shall be complied with before the lot is utilized for new and used car sales, or this case shall be considered null and void.
12. The applicant shall submit two corrected copies of the plot plan approved by the Traffic Engineer, indicating the north-

south 10 foot pedestrian easement and showing the placement of bumper guards to protect the pedestrian easement, fencing traffic circulation and parking.

13. Under no circumstances shall there be any structure or fencing of any kind erected on or above the pedestrian easement.
14. In the event the pedestrian easement is not granted, this resolution is to be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October 1973.

Kenneth M. Cusick, Temporary
Chairman

ATTEST:

Jack H. Galbraith, Secretary

TAYLOR stated that the Board might wish to have the Secretary write to Davis-Moore Oldsmobile expressing their concern about parking trucks in the street and blocking public streets during unloading of automobiles.

REHEARINGS

5a. Case No. BZA 28-73 - The Board of the Ananda Marga Pre-School, 1623 North Holyoke, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the operation of a child care center for twelve children on property zoned the "A" Two Family Dwelling District and legally described as Lots 75 and 77 on Holyoke Avenue, in Fairmount, and Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Holyoke in an area south of 16th Street.

GALBRAITH pointed out the area on the map and explained that Case No. BZA 35-73, which requested a variance of the front yard setback for off-street parking purposes, was associated with this request for an exception. He reviewed the following report of the Secretary:

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590 C, Code of the

*

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