

BZA 12-70 - Mark W. Claypool request
EXCEPTION for truck rental operation
at 901 S. Woodlawn

6-23-70 *skuid*

POSTED
4/28/70
CH

BZA 5-26-70 referred to
6-23-70 denied

BZA 12-70 - Mark W. Claypool request
EXCEPTION for truck rental operation
at 901 S. Woodlawn

July 31, 1970

Mr. Mark W. Claypool
901 South Woodlawn
Wichita, Kansas 67218

Subject: Case No. BZA 12-70
Request for Exception

Dear Mr. Claypool:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on Tuesday, June 23, 1970, in connection with your request for an exception to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial and generally located at the southwest corner of Lincoln and Woodlawn.

This Resolution reflects the official action to the Board to deny your request. 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. Galbraith
Secretary

JHG:ls

cc Dennis Shay, Suite 830-200 West Douglas 67202
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

RESOLUTION 12-70

WHEREAS, Mark W. Claypool, 901 South Woodlawn, Wichita, Kansas, by Dennis Shay, Suite 830-200 West Douglas, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial, and legally described as follows:

The East 100 feet of the North 100 feet of Reserve A, in Replat of Trollope-Fallon Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Lincoln and Woodlawn.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals had been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of May 26, 1970, consider said application; and at the request of the applicant deferred the case to the meeting of June 23, 1970; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of June 23, 1970, reconsider said application; and

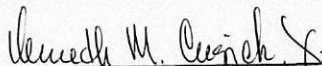
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial, 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 denied to permit the installation of a truck rental operation, on property zoned "LC" Light Commercial, and legally described as follows:

The East 100 feet of the North 100 feet of Reserve A, in Replat of Trollope-Fallon Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Lincoln and Woodlawn.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1970.


KENNETH M. CUSICK, JR., Vice Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

June 23, 1970

Mr. Mark W. Claypool
901 South Woodlawn
Wichita, Kansas

Subject: Case No. BZA 12-70
Request for Exception

At the regular meeting of the Board of Zoning Appeals on June 23, 1970, your request for an exception to permit the installation of a truck rental operation, on property zoned "LC"-Light Commercial and generally located at the southwest corner of Lincoln and Woodlawn, was considered.

It was the action of the Board to deny this request since a satisfactory plan could not be worked out with Traffic Engineering.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

cc Dennis Shay, Suite 830 - 200 West Douglas, 67202
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

May 26, 1970

Mr. Dennis Shay
Suite 830 - 200 West Douglas
Wichita, Kansas 67202

Dear Mr. Shay:

Subject: Case No. BZA 12-70
Request for Exception

At the regular meeting of the Board of Zoning Appeals on Tuesday, May 26, 1970, your request for an exception to permit the installation of a truck rental operation, on property zoned "LC"--Light Commercial and generally located at the southwest corner of Lincoln and Woodlawn, was considered.

It was the action of the Board to defer this case to the next regular meeting on Tuesday, June 23, 1970 to give you time to contact the traffic engineer to redesign your site layout for perhaps 2 truck parking spaces as well as the required employee parking spaces

If you can resolve an approved design, please submit two revised copies to our office prior to the meeting of June 23, 1970.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:ls

cc Mark W. Claypool, 901 South Woodlawn, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

THE CITY OF WICHITA

OFFICE OF CITY TRAFFIC ENGINEER

DATE May 22, 1970

TO Jack H. Gilbraith, BZA Secretary
FROM Darrell E. Low, Associate Traffic Engineer

SUBJECT American Oil Co. Station at
Lincoln St. & Woodlawn

We hereby request that the American Oil Co. Station at Lincoln St. and Woodlawn be denied the use of this location for truck rental purposes.

The lot and layout of the improvements do not allow enough parking spaces meeting the requirements of Wichita's typical off-street Parking Standards, to satisfy the minimum requirements for parking for the proposed zoning.

Darrell E. Low
Darrell E. Low
Associate Traffic Engineer

R. W. Bruggeman

DEL;sd

cc: R. W. Bruggeman, Director of Public Works



SECRETARY'S REPORT

CASE NO. BZA 12-70

APPLICANT: Mark W. Claypool, 901 South Woodlawn, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of a truck rental operation

GENERAL LOCATION: Southwest corner of Lincoln and Woodlawn

LAND USE: Subject property is occupied by a service station as are those properties to the north, east, and west; south is parking for a commercial building recently constructed.

ZONING: Subject property is zoned "LC"-Light Commercial as are those properties to the north, east, south and west.

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 providing the conditions set out under section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to the zoning ordinance to permit the installation of a truck rental operation on property zoned "LC"-Light Commercial and located on the southwest corner of Lincoln and Woodlawn. Section 28.04.183.2 of the zoning ordinance permits this type of operation in the "LC" zoning district subject to certain conditions and approval by the Board of Zoning Appeals.

The site is presently occupied by a service station as are those properties to the north, east and west. It should be pointed out that an application for an exception to permit the outdoor display for a tool and equipment rental operation in conjunction with the service station to the west was approved by the Board of Zoning Appeals in 1966. (Case No. BZA 16-66) It should also be pointed out that an application for an exception to permit the installation of U-Haul Rental Equipment on property leased by the service station at the southeast corner of this intersection was approved by the Board in 1968 (Case No. BZA 19-68). This service station is now being remodeled into a drive-in restaurant.

Approval of the rental operation for the area included within this application (100 ft. x 100 ft.) would create an intermixing of two different commercial businesses for a site adequate in size to accommodate only one use. Most of the major oil companies are now developing on sites a minimum of 150 feet square.

It should also be pointed out that if this request were approved for this service station it would encourage additional requests in other "LC" areas most of which are neighborhood or service areas such as this and not appropriate for this heavier type of truck storage use.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception not be approved inasmuch as truck rentals associated with service stations and other permitted "LC" uses is not the type of use that should be encouraged in neighborhood and service commercial areas and, therefore, should either be in the "C"-Commercial zone or along highways where such uses as new and used car lots, mobile home sales, etc. are an accepted use.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

May 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

CASE NO. BZA 12-70

An application has been filed by Mark W. Claypool, 901 South Woodlawn, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a truck rental operation, on property zoned "LC"-Light Commercial, and legally described as follows:

The East 100 feet of the North 100 feet of Reserve A, in Replat of Trollope-Fallon Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Lincoln and Woodlawn.

This application has been assigned Case No. BZA 12-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 26, 1970, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

16 Notices Mailed 5-6-70

BOARD OF ZONING APPEALS

CASE NO. 12-70

CITY OF WICHITA, KANSAS

FILED 4-23-70

APPLICATION FOR EXCEPTION

I. Name of Applicant MARK W. CLAYPOOL
Mailing Address 901 So. WOODLAWN Phone 684-6402
Name of Authorized Agent NONE
Mailing Address _____ Phone _____
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
(Zoning Ordinance); to permit the installation or construction
of RENTAL TRUCK PARKING & LEASING
FACILITY on property zoned
LIGHT COMM., located 901 So. WOODLAWN
and legally described as: THE
EAST 100' OF THE NORTH 100' OF RESERVE A, IN
REPLAT OF TROLLOPE-FALLON ADDITION TO WICHITA,
SEDGWICK CO. KANSAS, 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 Mark W. Claypool
Authorized Agent MA

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:00 (a.m. - p.m.), April 23, 19 70, together with appropriate fee of \$50.00.

T9-403

Signed Laura Scott

April 21, 1970

Board of Zoning Appeals
City of Wichita
204 South Main
Wichita, Kansas 67201

Gentlemen:

This is submitted in accordance with certain specifications set down by the Board of Zoning Appeals and is in reference to a special permit allowing installation of truck rental at my place of business, 901 South Woodlawn, Wichita, Kansas.

Application is made for an exception as provided in section 2.12.590C of the Code of the City of Wichita with the light commercial zoning of the area 901 South Woodlawn, coming under section 2.12.580, ordinance number 24-606.

My reasons for desiring a special permit are as follows:

With the construction of new apartment houses and complexes in the vicinity of my service station and with the existing housing and apartments in the area, there is a definite need for rental vehicles to assist new residents in moving.

Present facilities for rental of trucks is nil and rental of trailers in the immediate vicinity is confined to one of my competitors on the adjacent property.

The property in which I plan to operate the truck rental system has adequate area to store four trucks without obstructing vision of either street adjacent to the property.

There would never be more than four trucks on the premises at a time, therefore it would not create an unattractive nuisance by being cluttered.

The revenue capability of an operation such as I have planned would greatly assist the community in making moving in the community much easier and would increase the number of consumers in this particular area.

Respectfully submitted,

Mark W. Claypool

Mark W. Claypool
d/b/a Mark's Standard Service

CERTIFICATE OF OWNERSHIP

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, Sedgwick County, Kansas, of:

East 100 Feet of the North 100 Feet of Reserve A,
in Replat of Trollope-Fallon Addition to Wichita,
Sedgwick County, Kansas,

together with all lots lying within a 200 foot radius thereof.

	DESCRIPTION	OWNER/OWNERS/ADDRESS	
G			
U	<u>Replat of Trollope-Fallon Add.</u>		
A	E 100' of N 100' of Res. A.	✓ American Oil Co.	810 W. Douglas 67203
R	N 100' of Res. A., exc.	✓ Apco Oil Corporation	1202 S. Washington 67211
A	E 100', together with E. 10' of vac. alley adj. on the W.		
N	S. 80' of E. 100' of Res. A., together with all of 20' vac. alley adj. on the South	✓ McClellan & Fallon, Inc. WH 3 8 9 5 4	1302 Iroquis 67203
T	<u>Block F</u>		
E	Lots 1 and 2 and W 10' of vac. alley adj. said lots on the E. except that portion adj. Lot 2, included in Woodlawn Plaza Add.	✓ McClellan-Fallon, Inc.	1302 Iroquis 67203
E	N 17' of Lot 3	do	do
T	Lot 3, exc. N 17' and N 28' of Lot 4.	✓ Myrtle B. Rich	416 So. Minneapolis 67211
I			
T	S 24' of Lot 4 & N 39' of Lot 5	✓ Mary K. Peterson	no address
L	<u>Woodlawn Plaza</u> Lot 1	✓ McClellan-Fallon, Inc.	1302 Iroquis 67203
E	<u>Eastridge 7th Addn.</u> <u>Block 1</u>		
C	N 100' of W 100' of Lot 6	✓ Harley P. Moon & Mattie F.	1610 Salina 67203
O.,	N 100' of Lot 6, exc. W 100'	✓ Ridgewood Development Co.	1905 Southwest Blvd. 67213
I	S 75' of N 175' of Lot 6,	✓ Frances Monson	14726 Twin Lake Drive 67230
N	<u>Melvyn Add.</u> Lot 1	✓ Melvyn Steven and Sandra	1700 No. Nevada 67212
C.	<u>Replat of part of Eastridge</u> Reserve E, except the No. 100'	✓ Ridgewood Development Co.	1905 Southwest Blvd. 67213

A. J. Christman 2nd Addn.

Block G
S 125' of Block G

✓ W. H. Rex,

Box 34, Eldorado, Ks.
67042

Block F

Lot 19

✓ Tully A. Straight and Evelyn R. 878 Fabrique
87218

G

Lot 20

✓ Russell W. Cleeton and Mary Jane
886 Fabrique
87218

U

A Lot 21

✓ Donald F. Brungardt and
Geertruida M. 6202 E. Lincoln
67218

R

Lot 22

✓ Jesse L. Harris & Norma P. 3120 So. Seneca
67217

A

N Lot 23

✓ Charles W. London and Vera A.
and Dennis W. London 626 Gouverneur Road
67207

T

Lot 24

✓ Cecilia B. Brecher 421 No. Westfield
67212

E

E

T

I

T

L

E

C

O., Order No. 26265

I

N

C.

WITNESS our Hand and Seal this the 21st day of May, 1970 at 7 AM.

GUARANTEE TITLE CO. Inc.,

By

Nellie M. Postinger
Vice-President.

Form 27-021

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.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
B70	100 ⁰⁰
Execution	
Name	
Address	
Type	Due Date
R-71-C	
Comments:	
Date	BY
4-23-70	Law

*

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