

ACTION

B2A COMMITTEE Approve DATE August 22, 1972

M.A.P.C. _____

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

Original file destroyed - See memo 7/23/74 JLB

BZA 20-72 Davis Moore Olds. requests Exception to permit new and used car lot south of east Kellogg and west of Courtlight

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 22, 1974

TO The File
FROM Jack H. Galbraith, Chief Planner *JHG*
SUBJECT BZA 20-72

On Wednesday July 17, 1974, BZA case file 20-72 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 August 22, 1972.
- 2) A copy of the signed resolution on BZA 20-72.
- 3) Two letters dated August 23 and September 25, 1972 to the applicant, C. W. "Pete" Klein of Davis Moore Oldsmobile, Inc.
- 4) A plot plan submitted with BZA 20-72.

Some items previously found in the file were not available elsewhere and remain missing from the reconstructed file of BZA 20-72. 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).

JHG:MM:rme

September 25, 1972

C. W. "Pete" Klein
Davis-Moore Oldsmobile, Inc.
6215 East Kellogg
Wichita, Kansas 67218

Subject: Case No. BZA 20-72
Request for Exception

Dear Mr. Klein:

Last week a copy of the Resolution associated with the above captioned case was sent to you without cover memorandum. We would appreciate your checking your files and if you do not have a copy of this Resolution, let us know, and we will send you a xerox copy.

The Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,



Jack H. Galbraith
Secretary

JHG:rw

cc: Davis-Moore Oldsmobile, Inc.
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 20-72

WHEREAS, Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, Kansas by C. W. Klein, 6215 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of a new and used car sales and storage lot, on property zoned "LC" Light Commercial and legally described as follows:

Part of Lot 1, Universal's First Addition described as beginning at SE cor Lot 1, th Wly along Courtleigh Drive 84.25'; th Wly part to Kellogg Dr. 125'; th Wly part to Courtleigh Dr. 85'; th Wly part to Kellogg Drive 130'; th S approx 169.25' to S line of Lot 1; th E along S line Lot 1 approx 255' to beg. and the North 50 feet of the East 255 feet of Lot 2, Universal's First Addition. Generally located north of Orme Street between Waverly Drive and Courtleigh Drive.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of August 22, 1972, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the installation or construction of a new and used car sales and storage lot on property zoned "LC" Light Commercial, 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 installation or construction of a new and used car sales and storage lot on property zoned "LC" Light Commercial and legally described as follows:

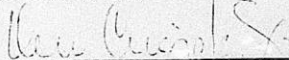
Part of Lot 1, Universal's First Addition described as beginning at SE cor Lot 1, th Wly along Courtleigh Drive 84.25'; th Wly part to Kellogg Dr. 125'; th Wly part to Courtleigh Dr. 85'; th Wly part to Kellogg Drive 130'; th S approx 169.25' to S line of Lot 1; th E along S line Lot 1 approx 255' to beg. and the North 50 feet of the East 255 feet of Lot 2, Universal's First Addition. Generally located north of Orme Street between Waverly Drive and Courtleigh Drive.

subject to the following conditions:


1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.

4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
7. No building shall be placed closer than 35 feet to the east property line.
8. At least a five foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed along the east property line for that area indicated on the plot plan south of the existing driveway.
9. The applicant shall install all of the required improvements prior to the occupancy of the site for a new and used car sales and storage lot.

ADOPTED AT WICHITA, KANSAS, this 22nd day of August, 1972.


Kenneth M. Cusick, Jr.
Chairman

ATTEST:


Jack H. Galbraith
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
AMHERST 2-B211 AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

August 23, 1972

C. W. "Pete" Klein
Davis-Moore Oldsmobile, Inc.
6215 East Kellogg
Wichita, Kansas 67218

Dear Mr. Klein:

Subject: Case No. BZA 20-72
Request for Exception

At the regular meeting of the Board of Zoning Appeals on August 22, 1972, your request for an exception to permit the installation of a new and used car sales and storage lot on property zoned "IC" Light Commercial, was considered. The action of the Board was to approve the request subject to the nine (9) conditions listed in the Secretary's Report.

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

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw

cc: Robert B. Feldner, Superintendent of Central Inspection
✓ Ralph Eberly, City Clerk

traffic on Central such as Kellogg. KAMEN asked Cusick if he thought it would be a hindrance to the area and CUSICK indicated he had no objection to the site itself if it was on a more heavily traveled street, such as Kellogg.

KAMEN said he felt that in viewing the whole area it really isn't that drastic in view of the limited use proposed, i.e. only two trucks. He did not feel it would be interfering with the area even though Central does not have the commercial or volume of traffic that Kellogg does. He pointed out that it is pretty much of an open area - not jammed so far as development or congested - where it would be interfering with other business or property, although he agreed that it might be better if on a more commercial street.

CUSICK said if the size of the trucks could be limited he would be more inclined to change his opinion, but apparently that isn't possible if the market is for the larger 12 to 18-foot type.

MOTION: KAMEN moved and DOKE seconded that the Board approve this application, subject to only two trucks being permitted, that Ryder be a rental agency only, and subject to conditions in the Zoning Ordinance applicable in this case. Vote on the motion resulted in a moot vote with 2 in favor (Kamen and Doke) and 2 opposed (Lee and Cusick). The Chairman announced that this case would be rescheduled for the meeting on September 26, 1972.

It was pointed out that the applicant has been granted temporary permission to operate the rental of two trucks from this location pending the outcome of this application.

New Cases

3. Case No. BZA 20-72 - Davis- Moore Oldsmobile, Inc. 6215 East Kellogg, Wichita, Kansas, pursuant to Section 2.12. 590.C, Code of the City of Wichita, requests an exception to permit the installation or construction of a new and used car sales and storage lot on property zoned "LC" Light Commercial and legally described as Part of Lot 1, Universal's First Addition described as beginning at the SE corner of Lot 1, thence northly along Courtleigh Drive 84.25 feet; thence westerly parallel to Kellogg Drive 125

feet; thence northerly parallel to Courtleigh Drive 85 feet; thence westerly parallel to Kellogg Drive 130 feet; thence south approximately 169.25 feet to south line of Lot 1; thence east along south line Lot 1 approximately 255 feet to beginning, and the north 50 feet of the east 255 feet of Lot 2, Universal's First Addition. Generally located north of Orme Street between Waverly Drive and Courtleigh Drive.

GALBRAITH pointed out the area on the map and 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 City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.143.2, Code of the City of Wichita can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the installation of a new and used car sales and storage lot to be used in conjunction with Davis-Moore Oldsmobile, Inc. 6215 East Kellogg.

In his statement of justification, the applicant points out that they have 50 different models of cars in the Oldsmobile and American Motors lines and that an adequate representation of each model must be kept on hand in order to give the customer a proper selection.

The Board of Zoning Appeals at their regular meeting of April 23, 1968, considered and approved a similar request (BZA Case No. 12-68) for a tract of land adjacent on the south of this application. Other requests of a similar nature in this general area along U.S. 54 have also been approved by the Board in the past.

RECOMMENDATION:

It is the opinion of the Secretary that this is a logical extension of the existing new and used car sales and storage lot adjacent on the south and therefore, it is recommended that this application be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
7. No building shall be placed closer than 35 feet to the east property line.
8. At least a five foot high solid fence constructed of masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed along the east property line for that area indicated on the plot plan south of the existing driveway.
9. The applicant shall install all of the required improvements prior to the occupancy of the site for a new and used car sales and storage lot.

No one spoke in opposition to this application.

MOTION: DOKE moved, LEE seconded and it carried unanimously that this application be approved, subject to the nine conditions recommended in the Secretary's report and as shown by the adoption of the following resolution:

RESOLUTION NO. BZA 20-72

WHEREAS, Davis-Moore Oldsmobile, Inc. 6215 East Kellogg, Wichita, Kansas by C. W. Klein, 6215 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C. Code of the City of Wichita, to permit the installation or construction of a new and used car sales and storage lot, on property zoned "LC" Light Commercial and legally described as follows:

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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, August 22, 1972, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the installation or construction of a new and used car sales and storage lot 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 approved to permit the installation or construction of a new and used car sales and storage lot on property zoned "LC" Light Commercial and legally described as follows:

Part of Lot 1, Universal's First Addition described as beginning at SE cor Lot 1, th Nly along Courtleigh Drive 84.25'; th Wly parl to Kellogg Dr. 125'; th Nly parl to Courtleigh Dr. 85'; th Wly parl to Kellogg Drive 130'; th S approx 169.25' to S line of Lot 1; th E along S line Lot 1 approx 255' to beg. and the North 50 feet of the East 255 feet of Lot 2, Universal's First Addition. Generally located north of Orme Street between Waverly Drive and Courtleigh Drive.

subject to the following conditions:

- (1) All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
- (2) All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
- (3) No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
- (4) No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
- (5) The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
- (6) The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
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- (9) The applicant shall install all of the required improvements prior to the occupancy of the site for a new and used car sales and storage lot.

ADOPTED AT WICHITA, KANSAS, this 22nd day of August, 1972.

SS/Kenneth M. Cusick, Jr.
Kenneth M. Cusick, Jr.
Chairman

ATTEST:

SS/Jack H. Galbraith
Jack H. Galbraith, Secretary

*

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