

DR 71-17 - Lee McCoy requests a
SPECIAL PERMIT for Lumber and
Bldg. Materials Storage Yard

ACTION

DATE

APPROVED

M.A.P.C.

B.C.C./E.C.C. C. *Referred for 2 weeks 4/20/71*

B.C.C. *Denied the request 5/4/71*

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
262-0611 — AREA CODE 316
CITY BUILDING — 204 S. MAIN ST.
WICHITA, KANSAS 67202

May 5, 1971

Mr. Lee McCoy
2731 Menlo
Wichita, Kansas

Dear Mr. McCoy:

This is to advise you that the City Commission, on May 5, 1971, denied your application to store lumber and building materials on the vacant lot at 621 North Wabash.

The Commission also directed that the cease and desist order concerning the present storage on the property issued by the Central Inspection Division be enforced. Your cooperation in clearing this lot as soon as possible is requested.

Sincerely,



Ralph Wulz,
City Manager

RW:krs

CC: John Dekker, Director of Law
Jack Galbraith, Chief Planner ✓
Robert Feldner, Superintendent of Central Inspection



Dear Sir

May 2. 71

Mr. Galfrith

I'm sorry I am unable
to move as fast as you would
like on 621 Wafack matter.

I need more information in
regard to this matter from your
office.

I will contact you soon

Very truly yours
Lee Mcleby
2731 Menlo
NW 26874



April 28, 1971

Mr. Lee McCoy
518 North Washington
Wichita, Kansas 67211

Subject: Special Use Permit
621 North Wabash

Dear Mr. McCoy:

In response to your letter of April 24, 1971 requesting additional information as to the fencing requirements, please refer to my letter to you dated March 16, 1971. The second paragraph of that letter points out "in part" that the governing body may permit this use in the "E" Light Industrial District provided that, in their opinion, the use will not adversely affect the character of the neighborhood, and provided the property is enclosed by a metal or wood fence not less than 8 feet in height and having openings not in excess of 5 percent of the area of such fence, and subject to any other requirements which may be expressed by the governing body.

One of the purposes of having a public hearing before the Planning Commission is to hear from adjacent property owners as to whether or not, in their opinion, this proposed use is compatible with their uses and also to determine other conditions that should be required before this use is permitted in the area. Regarding the fencing requirement, in my opinion, this condition cannot be waived. Probably the cease and desist order you refer to advised you only that your use was in violation of the present zoning district and consequently such notice does not elaborate on the conditions that the use might be permitted. That is why I called it to your attention in my letter on March 16.

Page 2 - Lee McCoy
April 28, 1971

The City Manager's office has advised that your request will be on the City Commission agenda next Tuesday, May 4, 1971 for a status report as to whether or not we have received the required ownership list. I would appreciate your advising us at your earliest convenience and prior to their meeting, your intent to provide the ownership list so that your request can be scheduled for hearing by the Planning Commission.

If I can be of further assistance or provide you with additional information, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
cc Ralph Wulz, City Manager
John Dekker, Director of Law

April 24, 1971

Mr. J. Galbraith
City Planning Commission
City Building
Wichita, Kansas

Dear Sir:

In regard to our conversation the 621 Wabash lumber storage lot, I failed to get enough information on what requirements other than the list of owners within 200 feet.

It is assumed the cost of the abstract company work to furnish the names of owners within 200 feet of the property is about \$30.00.

Nothing was said about the fence requirements as stated in the zoning ordinance included with the cease and desist order.

This is the key to the problem of my use of this lot.

Yours very truly,

LEE MC COY
518 N. Washington
Wichita, Kansas 67211

Lee McCoy



April 15, 1971

Board of City Commissioners

Jack H. Galbraith, Chief Planner

Special Use Permit - 621 North Wabash

On March 16, 1971, the City Commission considered a request for a special permit from Mr. Lee McCoy, 518 North Washington, to utilize a vacant lot at 621 North Wabash for the purpose of storing used building materials and lumber. The action of the City Commission was to refer the request to the Metropolitan Area Planning Commission for a public hearing and recommendation.

On the afternoon of March 16, 1971, I advised Mr. McCoy by letter of the action of the City Commission and pointed out that prior to the Planning Commission being able to consider the request he needed to furnish us a legal description of the property as well as a certified abstract ownership list of property owners and mailing addresses within 200 feet. The purpose of this list is so that notices can be mailed to adjacent property owners advising them of the request and the date, time and place of the hearing. Mr. McCoy responded by letter dated March 23, 1971 that he was unable to find any justifiable reason why he should spend the money necessary to secure the list of property owners.

It should be pointed out that such property is being utilized for storage of used building materials and is presently in violation of the zoning ordinance. There are residences to the north, east and south with an industrial use to the west.

Upon request of the City Manager as to how the City should proceed with this request, the Director of Law has recommended that the permit be refused, and further that the Central Inspection Division issue Mr. McCoy a Cease and Desist Order. Since the applicant is unwilling to furnish the required ownership list so that the Planning Commission can consider this request at a public hearing, the Planning Department concurs in the Director of Law's recommendation.

JHG:ber

cc: Ralph Wulz, City Manager
John Dekker, Director of Law

THE CITY OF WICHITA
OFFICE OF CITY MANAGER


DATE April 7, 1971

TO Robert Feldner, Superintendent of Central Inspection
FROM Ralph Wulz, City Manager

SUBJECT Special Use Permit -
621 North Wabash

Please proceed on the subject case as suggested in the Director of Law's memorandum of April 5, 1971.

Since Mr. McCoy has refused to provide the information necessary to a conditional use permit, the cease and desist order should be enforced.


Ralph Wulz,
City Manager

RW:frs

CC: Jack H. Galbraith, Chief Planner
Joe Donnelly, Maintenance Inspection Supervisor

JACK:
I BELIEVE YOU SHOULD DO A MEMO REPORT
TO CC AS TO STATUS OF REFERRAL SO RECORDS
WILL BE CLEAR AS TO WHY SPECIAL USE
PERMIT WAS NOT GRANTED.

BW



THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE April 5, 1971

TO Ralph Wulz, City Manager

FROM John Dekker, Director of Law

SUBJECT Special Use Permit -
621 North Wabash

I have reviewed all the information concerning the application of Mr. Lee McCoy to use the property at 621 North Wabash under a special use permit.

The normal and ordinary procedure followed in these instances in the past has been to treat them identical to zoning changes and notify property owners within 200 feet of the property so that the City can be made aware of the neighborhood feelings in the matter of issuance of this permit. The only way this can be done is by the applicant providing a list of ownership from an abstractor on property within 200 feet of his requested land use permit.

Mr. McCoy evidently does not think we should do this, and is not interested in providing the necessary information. I would, therefore, suggest that the permit be refused and, further, that Central Inspection issue him a cease and desist order, as it is my understanding that he has already started storage on this property.

John Dekker
Director of Law

JD:cr

cc: Jack H. Galbraith, Chief Planner
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection



THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE March 29, 1971

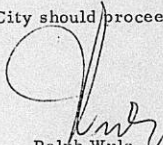
TO John Dekker, Director of Law
FROM Ralph Wulz, City Manager

SUBJECT Special Use Permit - 621 North Wabash

On March 16, 1971, the City Commission referred a request of Mr. Lee McCoy, 518 North Wabash, concerning special use of property at 621 North Wabash, to the Planning Commission for recommendation.

Subsequently, Jack Galbraith, Senior Planner, wrote to Mr. McCoy asking for information concerning the ownership of adjacent properties. Mr. McCoy has replied that he sees no justifiable reason to spend the money for an abstracted list of property ownership. Copies of Mr. Galbraith's letter and Mr. McCoy's reply along with a memorandum to this office are attached.

Please provide an opinion on how the City should proceed with this case.


Ralph Wulz,
City Manager

RW:krs
Attachments

CC: Jack H. Galbraith, Chief Planner ✓
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection.



WICHITA-SEDGWICK COUNTY

DATE

March 26, 1971

METROPOLITAN AREA PLANNING DEPARTMENT

TO Robert Finch, Executive Secretary
FROM Jack H. Galbraith, Chief Planner

SUBJECT Special Use Permit
621 North Wabash

ROUTING:	
<input type="checkbox"/> REM	_____
<input checked="" type="checkbox"/> RW	_____
MAR 26 1971	
<input type="checkbox"/> RB	_____
<input type="checkbox"/> File	<input type="checkbox"/> _____

Concerning the above-captioned special request, you received a copy of my letter of March 16, 1971 to Mr. Lee McCoy advising him that prior to the Planning Commission being able to consider his request he needed to furnish us the correct legal description of the property as well as a current abstractor's certificate listing the names and mailing addresses of all property owners within 200 feet.

Attached is a letter received from Mr. McCoy advising us that he did not see any justifiable reason to spend the necessary money to be allowed to rent the property for the use of this lot for storage purposes.

I have recently reviewed this site and note that building materials are being stored directly on the ground, the lot is very unsightly and our department would not be in a position to recommend favorably on this use among residences.

We would appreciate your advising us as to how we are to proceed on this case without the ownership list.

JHG:ber

cc: Robert Feldner, Superintendent
of Central Inspection

Joe Donnelly
Central Inspection

3/23/71

Gentlemen

In Reference to your letter
of March 16-1971 in reference
to 621 North Wabash use as
lumber storage

In no way am I able
to find any Justifiable reason
to spend this sum of money
to be allowed to spend
monthly rent for this storage
lot.

Thank you
Lee McCoy



WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

PHONE 262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

ROUTING:	
<input type="checkbox"/> RCM	_____
<input type="checkbox"/> RV	_____
MAR 17 1971	
<input type="checkbox"/> RGF	_____
<input type="checkbox"/> File	<input type="checkbox"/> _____

March 16, 1971

Mr. Lee McCoy
518 North Washington
Wichita, Kansas 67214

Subject: Request for lumber and
building materials storage yard

Dear Mr. McCoy:

The Board of City Commissioners at their regular meeting of March 16, 1971, referred your request to operate a used lumber and building materials storage yard in the "E" Light Industrial District at 621 North Wabash to the Metropolitan Area Planning Commission for review and recommendation.

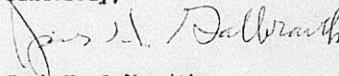
In accordance with Section 28.04.184 of the zoning ordinance, used lumber and building materials storage yards may be authorized in the "E" light industrial districts by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and provided further, that the board of commissioners may impose such additional special conditions to protect the health, safety and welfare of the neighborhood as the board of commissioners may deem proper, including (but not limited to), the posting of a performance bond."

Page 2 - Lee McCoy
March 16, 1971

In accordance with the policy of the City Commission, the Planning Commission considers such request at a public hearing at which time interested persons may speak either in favor or against such request. It is necessary that, prior to our being able to place your request on the Planning Commission agenda, you must submit the legal description for the property you desire to use, plus a current abstractor's certificate listing the names, mailing addresses and zip codes of the owners of all adjacent property within a 200 foot radius and including the property for which the request is made. This list must be obtained from an abstract company.

It is necessary that we receive your legal description and the ownership list by March 24, 1971 so that this matter can be scheduled for the Planning Commission meeting of April 8, 1971. Please contact our office if you have any questions concerning this matter.

Sincerely,



Jack H. Galbraith
Chief Planner

JHG:ls

cc Robert Finch, Executive Secretary
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection

March 26, 1971

Robert Finch, Executive Secretary

Jack H. Galbraith, Chief Planner

Special Use Permit
621 North Wabash

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Attached is a letter received from Mr. McCoy advising us that he did not see any justifiable reason to spend the necessary money to be allowed to rent the property for the use of this lot for storage purposes.

I have recently reviewed this site and note that building materials are being stored directly on the ground, the lot is very unsightly and our department would not be in a position to recommend favorably on this use among residences.

We would appreciate your advising us as to how we are to proceed on this case without the ownership list.

JHG:ber

cc: Robert Feldner, Superintendent
of Central Inspection

Joe Donnelly
Central Inspection

3/23/71

Gentlemen

In Reference to your letter
of March 16-1971 in reference
to 621 North Wabash use as
lumber storage

In no way am I able
to find any Justifiable reason
to spend this sum of money
to be allowed to spend
monthly rent for this storage
lot.

Thank you
Lee McCoy



March 16, 1971

Mr. Lee McCoy
518 North Washington
Wichita, Kansas 67214

Subject: Request for lumber and
building materials storage yard

Dear Mr. McCoy:

The Board of City Commissioners at their regular meeting of March 16, 1971, referred your request to operate a used lumber and building materials storage yard in the "E" Light Industrial District at 621 North Wabash to the Metropolitan Area Planning Commission for review and recommendation.

In accordance with Section 28.04.184 of the zoning ordinance, used lumber and building materials storage yards may be authorized in the "E" light industrial districts by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and provided further, that the board of commissioners may impose such additional special conditions to protect the health, safety and welfare of the neighborhood as the board of commissioners may deem proper, including (but not limited to), the posting of a performance bond."

Page 2 - Lee McCoy
March 16, 1971

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It is necessary that we receive your legal description and the ownership list by March 24, 1971 so that this matter can be scheduled for the Planning Commission meeting of April 8, 1971. Please contact our office if you have any questions concerning this matter.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls

cc Robert Finch, Executive Secretary
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection

(file copy)

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE March 16, 1971

TO Robert A. Lakin, Director of Planning
FROM Robert G. Finch, Executive Assistant

Finch
SUBJECT Special Use Permit -
621 North Wabash

Mr. Lee McCoy, 518 North Wabash, has requested permission, under Section 28.04.184 of the City Code, to store lumber and building materials on a vacant lot at 621 North Wabash.

On March 16, 1971, the City Commission referred the request (copy attached) to the Metropolitan Area Planning Commission for recommendations.

Please bring this matter to the attention of the MAPD at its next scheduled meeting.

RW:rs
Attachment



3/16.

28.04.134

March 8, 1971

Honorable City Commissioners
204 S. Main
Wichita, Kansas

Gentlemen:

Mr. Dick Azim of Central Inspection has issued a "cease & desist" order on a lot, 621 N. Wabash, which I use for lumber and building materials storage.

They suggest I ask permission for the use of this lot for building material storage.

Yours truly,
Lee Mc Coy
LEE MC COY

518 N Washington
Wichita, Kansas

ROUTING:	
<input type="checkbox"/> REM	_____
<input type="checkbox"/> RW	_____
MAR 9 1971	
<input type="checkbox"/> [unclear]	<i>[Signature]</i>
<input type="checkbox"/> File	<i>[Signature]</i>

Seed List Rescriptions
Abstract University list

Pearce Van Tilburgh's
Add.

March 10, 1971

Mr. Lee McCoy
518 North Washington
Wichita, Kansas 67214

Dear Mr. McCoy:

This is to acknowledge your letter concerning use of your property at 621 North Wabash for storage of lumber and building materials.

The policy of the City Commission on such requests has been to refer them to the Planning Department for recommendations. The matter will then be placed on the Commission agenda for March 16, 1971, to be referred to the Planning Department.

It would not be necessary for you to be present for this meeting of the Commission; however, meetings are held at 9:00 A.M., on Tuesday, in the City Commission room on the second floor of the City Building at 204 South Main.

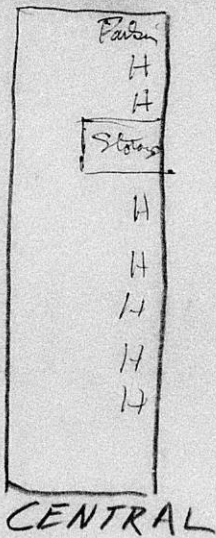
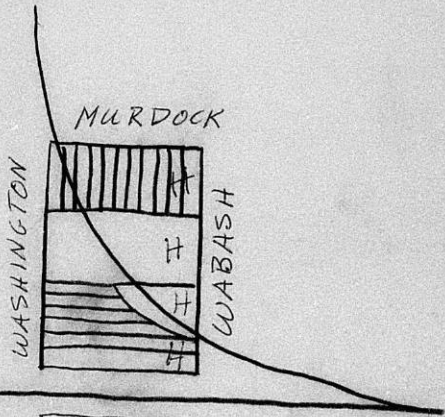
The Metropolitan Area Planning Department will likely request additional information from you after the matter is referred to them.

Sincerely,

Elmer Karstensen,
Administrative Assistant
to the City Manager

EK:rs
CC: Robert A. Lakin, Director of Planning





NORTH OF CENTRAL AVE. BETWEEN ELM & PINE ON WABASH AVE. 4-8-71

