

Case No. BZA 2-79 Davis-Moore
Oldsmobile, Inc., requests
exception to permit establishment
of a connecting storage building
to the present dealership for
parts & service on property

ACTION

✓
Posted
1-28-79

BZA
2-79

COMMITTEE

Approved

DATE
2-27-79

M.A.P.C. _____

✓ C.I. 4/27/79

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

✓ MAPD 4/30/79

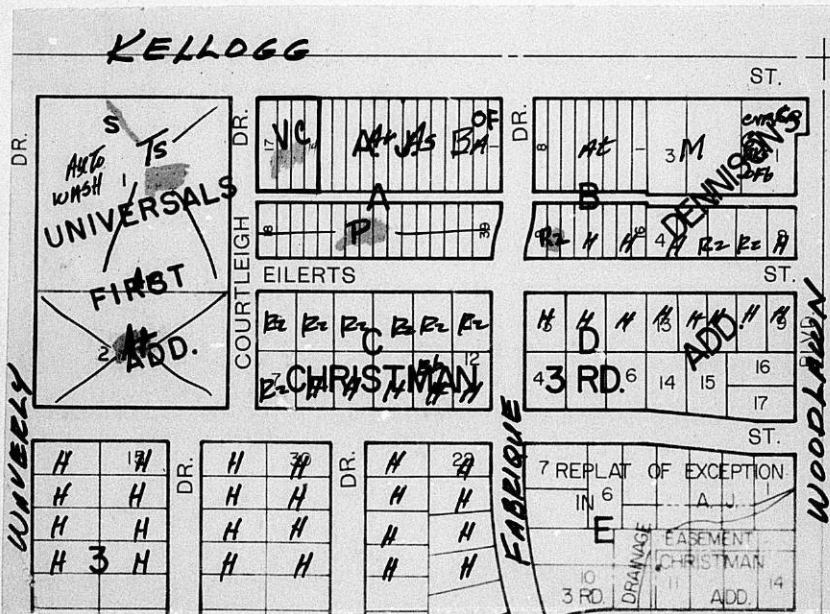
Case No. BZA 2-79 Davis-Moore
Oldsmobile, Inc., requests
exception to permit establishment
of a connecting storage building
to the present dealership for
parts & service on separate

Map No. 5846
 Sec. 25
 Twp. 27
 Range 1E

BZA- 2-79
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.4 (110 ft. by 170 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East AUTO SALES South Parking Lot
 West TRAILER & CAMPER SALES North VE/1000
 4. Sketch Plan Land Use is for:
 5. Present Land Use if for: (being remodeled for Auto Sales)
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



HASTINGS, MN - LOS ANGELES
 LODIAN, OH - MEMPHIS, TX, U. S. A.

No. 21530
 S. M. S. Co.

March 6, 1979

Everett C. Fettis
120 S. Market
Suite #504
Wichita, Kansas 67202

Re: Case No. BZA 2-79
Request for Exception


Dear Mr. Fettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 27, 1979, in connection with your request for an exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District, and generally located at the southeast corner of Courtleigh and Kellogg (6201 E. Kellogg).

This Resolution reflects the official action of the Board to approve this request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,


Larry Dobson
Assistant Secretary

LD:bbc
Enclosure

cc: Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg 67218
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 2-79

WHEREAS, Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 14, 15, 16, and 17, Block "A" in A. J. Christman 3rd Addition, an Addition to Wichita, Kansas. Generally located at the southeast corner of Courtleigh and Kellogg (6201 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 February 27, 1979, 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 operation 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 operation on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 14, 15, 16, and 17, Block "A" in A. J. Christman 3rd Addition, an Addition to Wichita, Kansas. Generally located at the southeast corner of Courtleigh and Kellogg (6201 E. Kellogg).

subject to the following conditions:

1. This exception is approved as an expansion of, and to be operated in conjunction with, the automobile agency on adjacent property to the east.
2. All parking, storage and display areas shall be paved with concrete, asphalt or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property, from Kellogg to the north and Eilerts to the south. No string-type lighting or banners shall be permitted.
4. All signs shall comply with the sign regulations of the City.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be permitted.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

ADOPTED AT WICHITA, KANSAS, this 27th day of February, 1979.


Mary L. Kopietz, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE February 26, 1979

TO Jack Galbraith, Chief Planner, Current Plans

FROM Shirley Mast, CPO Administrative Aide

SUBJECT EZA-2 (Southeast corner of Courtleigh
and Kellogg - 6201 E. Kellogg).

At their regular meeting on February 19, 1979, CPO Council "G" considered the captioned case. The Council reviewed the Secretary's report and benefited from the information.

The Council voted unanimously 7-0 to recommend approval of the exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Commercial District at captioned location.

Please provide the Council's recommendation to the Board of Zoning Appeals when this case is considered at the February 27, 1979 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM/ml

NOTED:

Evelyn Pittman
Evelyn Pittman
Assistant CP Coordinator



February 28, 1979

Everett C. Fettis
120 S. Market
Suite #504
Wichita, Kansas 67202

Re: Case No. BZA 2-79
Request for Exception

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on February 27, 1979, your request for an exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District, and generally located at the southeast corner of Courtleigh and Kellogg (6201 E. Kellogg) was considered.

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

1. This exception is approved as an expansion of, and to be operated in conjunction with, the automobile agency on adjacent property to the east.
2. All parking, storage and display areas shall be paved with concrete, asphalt or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property, from Kellogg to the north and Eilerts to the south. No string-type lighting or banners shall be permitted.
4. All signs shall comply with the sign regulations of the City.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

Page 2
Everett C. Fettis
Re: BZA 2-79
February 28, 1979

6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be permitted.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

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.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:bbc

cc: Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg 67218
Joe Donnelly, Housing and Zoning Administrator
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 2-79

APPLICANT: Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg, Wichita, Kansas

AGENT: Everett C. Fettis, 120 S. Market, Suite 504, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a new and used car sales operation.

GENERAL LOCATION: Southeast corner of Courtleigh and Kellogg (6201 E. Kellogg)

ZONING: Subject property is zoned the "LC" Light Commercial District as are properties to the east and west. South is the "B" Multiple Family Dwelling District. North is the "AA" Single Family Dwelling District.

LAND USE: Subject property has a vacant commercial building being remodeled for a car sales operation. East is a car sales agency. West is a recreational vehicle sales agency. South is a parking lot. North, across Kellogg, is single family residential development.

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:

The applicants are requesting an exception to permit the establishment of a new and used car sales operation on subject property. This request is for the proposed expansion of the Davis-Moore Oldsmobile car agency which adjoins subject property to the east.

The statement of justification indicates that the additional area is needed to meet the space requirements of the Davis-Moore Oldsmobile parts and service operation. The building located on subject property is connected to the existing automobile agency building and most recently has been occupied by a furniture store. An addition has been constructed on the south side of the existing building to handle drive-in customer service operations.

A site plan, approved by the Traffic Engineer, has been submitted with this application and shows the location of off-street parking space west of the building. A large parking lot

Case No. BZA 2-79
February 27, 1979
Page 2

located to the south presently serves as customer parking space for this automobile agency.

As an expansion of an existing car sales operation, this would, in the opinion of the Secretary, appear to be a logical and reasonable request.

RECOMMENDATIONS:

It is the opinion of the Secretary that the requested exception to permit the establishment of a new and used car sales operation would be appropriate as an expansion of the existing agency adjacent to the east and therefore, it is recommended that the exception be approved subject to the following conditions:

1. This exception is approved as an expansion of, and to be operated in conjunction with, the automobile agency on adjacent property to the east.
2. All parking, storage and display areas shall be paved with concrete, asphalt or other comparable material.
3. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
4. All signs shall comply with the sign regulations of the City.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work shall be permitted.
7. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

BZA CASE NO. 2-79

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT	
<u>10</u>	NOTICES SENT TO MAPC	
<u>1</u>	NOTICES SENT TO CPO	
<u>10</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS	
<u>23</u>	TOTAL NOTICES SENT	<u>2-2-79</u>

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

February 5, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 2-79

An application has been filed by Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a new and used car sales operation on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 14, 15, 16, and 17, Block "A" in A. J. Christman 3rd Addition, an Addition to Wichita, Kansas. Generally located at the southeast corner of Courtleigh and Kellogg (6201 E. Kellogg).

This application has been assigned case No. BZA 2-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 27, 1979, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack E. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant DAVIS-MOORE OLDSMOBILE, INC. ✓

Mailing Address 6215 E. Kellogg Phone 685-0211

Name of Authorized Agent Everett C. Fettis ✓

Mailing Address 120 S. Market #504 Phone 267-7251

Relationship of applicant to property is that of Owner
(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 connecting storage building to the present dealership for parts and service on property zoned

LC, located 6201 E. Kellogg, Wichita, Kansas

and legally described as: _____

Lots 14, 15, 16, and 17, Block "A" in A. J. Christman

3rd Addition, an Addition to Wichita, Kansas.

_____, 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. 24-606); 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 Davis-Moore Oldsmobile, Inc.

Authorized Agent Everett C. Fettis

S/E corner of Courtleigh's Kellogg

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 9:30 (a.m.) - p.m.), 1-26, 19 79, together with appropriate fee of \$50.00

sub. to receiving ownership list by 1-29-79
T9-403

Signed Larry Johnson

STATEMENT

The property acquired is immediately adjacent to and virtually surrounded by the Davis-Moore Oldsmobile car agency operation. The building subject of this application is needed to fulfill their additional needs for parts and service operation. The use of the subject property is totally consistent with the neighborhood and will not in any way detract from the general neighborhood surroundings.

O W N E R S H I P L I S T

Lot	Addition	Property Owner
lot 1	Universal First Addition	James O. Maloney, Trustee of Carl V. Maloney General Trust 7340 Elm Court 67206
lots 6 & 7, E 10' lot 8, Block A	A. J. Christman 3rd Add.	L. C. Harmon and Constance L. Harmon 58 Via Roma 67230
lot 8 exc E 10' lots 9 thru 13 Block A	Same	Marvin J. Gordon and Evelyne L. Gordon 8001 Tipperary Street 67206
lots 14,15,16,17 Block A	Same I	T. G. Davis & Robert W. Moore, 6315 E. Kellogg 67218
lots 18 thru 26 W 15' lot 27 Block A	Same	<i>D</i> Marvin J. Gordon and Evelyne L. Gordon 8001 Tipperary Street 67206
E 10' lot 27 lots 28 & 29 Block A	Same	<i>P</i> L. C. Harmon and Constance L. Harmon 58 Via Toma 67230
lot 4, Block C	Same	J. D. Costlow and Marilyn D. Costlow 11025 East Kinkaid 67207
lot 5, E 3' lot 6 Block C	Same	Robert L. Adams and Marjorie L. Adams 1921 Carson Street 67216
lot 6 exc E 3' Block C	Same	Paul V. Shoreack 1760 Gentry Drive, Apt. 103 67208
lot 10, Block K	2nd Addition to the Village	Roy M. Riley and Sadie M. 446 South Brookside 67218
lot 11, Block K	Same	Virginia K. Ahlf and Shirley Ann Ahlf 465 Courtleigh Drive 67218
lot 7, Block M	Same	Ferris N. Shadid and Ruth F. 466 Courtleigh Drive 67218

We hereby certify the foregoing to be a true
and correct list of the property owners of:

A 200 foot radius of: Lots 14,15,
16 and 17, Block A, A. J. Christman
Third Addition, an Addition in Wichita,
Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the
Register of Deeds of Sedgwick County, Kansas, on the 25th day of
January, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Gable

Vice President

Order No. 273118

wh

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 021 PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Eks	Copies
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.

Planning

DESCRIPTION	AMOUNT
BZA Excavation	\$50.00

NAME Davis - Moore Olds and Co., Inc.
 ADDRESS 6215 E Kellong
 FUND 110-00-000-400 DUE DATE 71-00-000-000
 COMMENTS _____
 DATE 1-26-74 BY [Signature]

*

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

Roll # 2