

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

*Original file destroyed - See memo 7/20/74*

*DMS*

BZA 12-74 - Davis-Moore Olds requests exception to permit recreational vehicle sales for the west side of Courtleigh Dr. in an area south of Kellogg.

ACTION

B2A COMMITTEE Approve DATE May 28, 1974

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

*Original file destroyed - See memo 7/22/74*  
*JLS*

BZA 12-74 - Davis-Moore Olds re-  
quests exception to permit re-  
creational vehicle sales for the  
west side of Courtleigh Dr. in  
an area south of Kellogg.

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

July 22, 1974

TO The File

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT BZA 12-74

On Wednesday July 17, 1974, BZA case file ~~12~~ 74 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 May 28, 1974.
- 2) A copy of the signed resolution on BZA 12-74.
- 3) Two letters dated May 29 and June 11, 1974 which were sent to the applicant's attorney, Everett Fettis.
- 4) A plot plan submitted with BZA 12-74.

Some items previously found in the file were not available elsewhere and remain missing from the reconstructed file of BZA 12-74. 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

Jun. 11, 1974

Mr. Everett C. Pettis  
Attorney at Law  
120 South Market  
Wichita, Kansas 67202

Subject: Case No. BEA 12-74  
Request for Exception

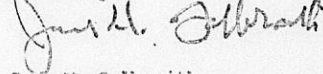
Dear Mr. Pettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 28, 1974, in connection with your request for an exception to permit the installation or construction of an agency for the sale of recreational vehicles, including motor homes and travel trailers, on property zoned the "EC" Light Commercial District and generally located north of Osme Street between Waverly Drive and Courtleigh Drive.

This Resolution reflects the official action of the Board 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.

Sincerely,



Jack H. Calbraith  
Secretary

JHS:js

cc: Davis-Moore Oldsmobile, Inc., 6215 E. Kellogg, 67218  
Robert Feldner, Superintendent of Central Inspection  
Ralph Worley, City Clerk  
Joe Donnelly, Central Inspection


Mr. Everett C. Fetta  
May 29, 1974

4. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
7. The sale of recreational vehicles such as motor homes and travel trailers shall not be conducted in conjunction with any use other than the previously approved new and used car sales operation (BEA Case 20-72). 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.
8. No building shall be placed closer than 35 feet to the east property line.
9. The applicant shall retain and maintain the existing staggered wood fence on the east property line of subject property.

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,

  
Jack H. Calbraith  
Secretary

JHC:js

cc: Barbara C. Mattman, 601 E. Brookside, 67218  
Patricia E. Noel, 602 E. Brookside, 67218  
Robert Folsom, Superintendent of Central Inspection  
Ralph Merly, City Clerk  
Joe Donnelly, Central Inspection  
Davis-Kane Oldsmobile, Inc. 6215 E. Kellogg, 67218

RESOLUTION BZA 12-74

WHEREAS, Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, Kansas by Everett C. Fettis, 120 South Market, 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 an agency for the sale of recreational vehicles, including motor homes and travel trailers, on property zoned the "LC" Light Commercial District, and legally described as follows:

Beginning at a point 125 feet west and 140 feet south of the southwest corner of Courtleigh Drive and Kellogg Drive; thence west 130 feet; thence south 254 feet; thence east 255 feet; thence north 134 feet; thence west 89 feet; thence north 85 feet; thence west 36 feet; thence north 35 feet to point of beginning. 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 May 28, 1974, 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 an agency for the sale of recreational vehicles, including motor homes and travel trailers, on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.163.2, 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 an agency for the sale of recreational vehicles, including motor homes and travel trailers, on property zoned the "LC" Light Commercial District and legally described as follows:

Beginning at a point 125 feet west and 140 feet south of the southwest corner of Courtleigh Drive and Kellogg Drive; thence west 130 feet; thence south 254 feet; thence east 255 feet; thence north 134 feet; thence west 89 feet; thence north 85 feet; thence west 36 feet; thence north 35 feet to point of beginning. Generally located north of Orme Street between Waverly Drive and Courtleigh Drive.

Resolution  
BEA 12-74 .

subject to the following conditions:

1. Subject area shall be used in conjunction with the area previously approved in BEA Case 17-72 so that the use is contiguous to the major street alleyway.
2. All 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. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
7. The sale of recreational vehicles such as motor homes and travel trailers shall not be conducted in conjunction with any use other than the previously approved new and used car sales operation (BEA Case No. 20-72). 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.
8. No building shall be placed closer than 35 feet to the east property line.
9. The applicant shall retain and maintain the existing staggered wood fence on the east property line of subject property.

ADOPTED AT WICHITA, KANSAS, this 23th day of May, 1974.

\_\_\_\_\_  
James Richardson, Chairman

WITNESSED:

*James H. Galbraith*  
\_\_\_\_\_  
James H. Galbraith, Secretary

May 20, 1976

Mr. Everett C. Pettis  
Attorney at Law  
129 South Market  
Wichita, Kansas 67202

Subject: Case No. BEA 12-74 -  
Request for an exception

Dear Mr. Pettis:

At the regular meeting of the Board of Zoning Appeals on May 28, 1976, your request for an exception to permit the installation or construction of an agency for the sale of recreational vehicles, including motor homes and travel trailers, on property zoned the "IC" Light Commercial District, and generally located north of Orin Street between Laverly Drive and Courtland Drive was considered.

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

1. Subject area shall be used in conjunction with the area previously approved in BEA Case 37-72 so that the use is contiguous to the major street Kellogg.
2. All 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.

plan approved by Traffic Engineering; and that the ten spaces outlined on the original plan would be more than adequate. He said the Traffic Engineering plan would require the closing of the curb and reconstruction of the main driveway which would be too expensive considering the type of business they have, and that all they wanted to do was expand to give more floor area for storage of new mowers and lawnmower repair. He continued that the closing of the existing ten-foot drive on the north would prevent them from utilizing it to back in and unload the mowers near the shop doorway. In responding to the question by Mr. GALBRAITH, he said the driveway was not used for circulation around the building, but merely for unloading purposes.

TAYLOR felt the applicant should check with Traffic Engineering as to whether or not the north driveway could be used as he suggested. She continued that if Traffic Engineering would not approve the plan as submitted by the applicant, it would be best to defer the matter until he had time to confer with them to work out an alternate parking layout.

MOTION: TAYLOR moved, LEE seconded and it carried unanimously that this case be deferred until the next meeting to allow the applicant time to work out a plan with Traffic Engineering that would be acceptable to both.

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4. Case No. BZA 12-74 - 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 an agency for the sale of recreational vehicles, including motor homes and travel trailers, on property zoned the "LC" Light Commercial District and legally described as follows:

Beginning at a point 125 feet west and 140 feet south of the southwest corner of Courtleigh Drive and Kellogg Drive; thence west 130 feet; thence south 254 feet; thence east 255 feet; thence north 134 feet; thence west 89 feet; thence north 85 feet; thence west 36 feet; thence north 35 feet to point of beginning. 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 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit the expansion of their agency for the sale of recreational vehicles in conjunction with Davis-Moore Oldsmobile, Inc., 6215 East Kellogg.

In his statement of justification the applicant points out that the area to the north and east, which joins and abuts the subject property has BZA approval for recreational vehicle sales (BZA 37-72, approved 2/22/73), but has proved to be inadequate in area to meet the needs of the recreational vehicle center. On August 22, 1972, the Board of Zoning Appeals approved a request by the applicant, on most of subject property, to grant an exception for additional sales and storage for new and used cars. A similar request had been approved on August 23, 1968 for the tract of land adjacent to and south of subject property. In view of the fact that the Board has approved the requested use for adjacent property and has granted an exception for new and used car sales on subject property it would, in the opinion of the Secretary, make this a logical and reasonable request and would not appreciably change the character of the neighborhood. The Traffic Engineering Division has approved the plot plan submitted by the applicant.

RECOMMENDATION

It is the recommendation of the Secretary that the application to permit the installation of an agency for the sale of recreational vehicles, including motor homes and travel trailers, be approved subject to the following conditions:

1. Subject area shall be used in conjunction with the area previously approved in BZA Case 37-72 so that the use is contiguous to the major street Kellogg.
2. All 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. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used (so as to be heard outside any structures).
6. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
7. The sale of recreational vehicles such as motor homes and travel trailers shall not be conducted in conjunction with any use other than the previously approved new and used car sales operation (BZA Case 20-72). 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.
8. No building shall be placed closer than 35 feet to the east property line.
9. The applicant shall retain and maintain the existing staggered wood fence on the east property line of subject property.

CLONTS said he had viewed the location and did not think that granting the exception would change anything except a different type vehicle would be stored there other than just automobiles.

EVERETT FETTIS, attorney for the applicant, spoke in favor of the exception. He explained to the Board that his client had previously obtained an exception for the recreational type vehicles to the north of subject area, but there was just not sufficient room to store these large vehicles. He said if the exception was approved, the recreational vehicles would be placed in the middle of the lot and it would not change the neighborhood in any manner.

TAYLOR asked if the conditions listed in the report of the secretary would be acceptable to his client and Mr. FETTIS assured the Board his client would comply with all conditions as listed.

Ms. BARBARA C. WATTMAN, 601 S. Brookside, who said she represented citizens in the area who opposed the application, spoke to the Board. She said the neighborhood wished to keep as much commercial activity off Waverly Drive and Orme as possible and she suggested Davis-Moore set aside one particular area (off the street) for unloading the truck transports.

Ms. PATRICIA E. REEL, 602 S. Brookside, also spoke in protest saying that many of them had made numerous complaints to Davis-Moore and the police regarding noise of the loudspeakers and transports unloading cars on public streets.

Mr. FETTIS said these things had been brought to his attention and he was advised Davis-Moore had placed signs along the adjoining streets warning drivers to unload only inside the lot. He said one of the drivers had unloaded in the street and Davis-Moore had refused to accept the vehicles.

TAYLOR said that if the Board wants to grant the exception it would be in conformance with the policy of MAPC to allow businesses to expand that have frontage along Kellogg. She felt that perhaps staff could make some recommendations as to follow-through on violations of the type just discussed by Ms. Wattman and Ms. Reel.

MOTION: CLONTS moved, TAYLOR seconded, and it carried unanimously that the exception be approved subject to the conditions in the Secretary's Report as shown by the adoption of the following Resolution

RESOLUTION NO. BZA 12-74

WHEREAS, Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, Kansas by Everett C. Fettis, 120 South Market, 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 an agency for the sale of recreational vehicles, including motor homes and travel trailers, on property zoned the "LC" Light Commercial District, and legally described as follows:

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