8. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over adjacent sidewalks.

9. G to prevent the ir e sanitary sewer. T the installation of tl ade satisfactory to tl

BZA 16-86

10. T inspection by the ov e and removal of tr

11. Tl the dryer if the te within 12 hours.

12. Al mplied with within 18 e Resolution shall be

At this resident KOPIETZ due to a con .

6. Case No. BZA 16-86 - 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 expansion of an existing automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

> Lots 1 thru 8, Block B, together with the north half of the vacated alley adjoining the lots on the south, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Fabrique (6315 East Kellogg).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

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 revision and expansion of an automobile sales lot at the southeast corner of Fabrique and

Kellogg Drive. This location was first approved by the Board of Zoning Appeals on May 28, 1963. This approval under BZA Resolution 11-63 limited access to the property from one driveway off of Fabrique and no access from the alley on the south. The alley adjacent on the south has since been vacated and is now included as a part of the application area. The property has been operated as an automobile sales lot and as a leasing business. It is now being combined into one large lot and the smaller automobile sales building is being removed and an addition is being added to the office building for use as automobile sales.

It is the Secretary's opinion that the use of the property is essentially remaining the same except for the expansion of the building, the inclusion of the vacated alley and the permission of three driveway approaches to Fabrique. A considerable number of changes have occurred in the general area since this property was first considered in 1963 and as such the restriction of driveway approaches is now inappropriate. The lot is screened on the south by a six-foot screening fence which does provide some protection to the residences to the south. The expansion of the building should not create any significant affect on the adjoining properties.

RECOMMENDATION:

Should the Board determine that the revision and expansion of the automobile sales business at this location is appropriate, then it is the recommendation of the Secretary that the exception 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 shall be permitted.

3. Signs as set forth in the "LC" Light Commercial District shall be permitted.

4. No sound projecting device or loud speakers shall be used so as to be audible outside of any structure.

5. No repair work shall be conducted except in an enclosed building; and provided further that no body or fender work is done.

6. Construction of the lot shall be in general conformance with the site plan submitted with the application and approved by the Traffic Engineer.

7. Construction of a six-foot high heavy duty redwood fence or masonry or architectural tile fence on the south to protect adjacent residents from blowing debris, light and sound. Such fence shall be maintained in good condition.

8. The applicant shall maintain adequate parking barriers adjacent to Kellogg and Fabrique to prevent the extension or overhanging of vehicles beyond the property lines.

9. Upon the release of this resolution, Resolution BZA 11-63 shall become null and void.

LYTLE stated that CPO recommended (7-0) to approve.

EVERETT FETTIS, agent for the applicant stated that they had no objections to the conditions of approval.

No one spoke in opposition.

> MOTION: JENKINS moved, HENDERSON seconded, that the exception to permit the revision and expansion of an existing automobile sales lot be granted subject to the conditions as set out in the Secretary's Report. Motion passed 3-0 (JACOB abstaining).

The official action of the board is reflected in the adoption of Resolution No. BZA 16-86 which includes the following conditions of approval:

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 shall be permitted.

3. Signs as set forth in the "LC" Light Commercial District shall be permitted.

4. No sound projecting device or loud speakers shall be used so as to be audible outside of any structure.

5. No repair work shall be conducted except in an enclosed building; and provided further that no body or fender work is done.

6. Construction of the lot shall be in general conformance with the site plan submitted with the application and approved by the Traffic Engineer.

7. Construction of a six-foot high heavy duty redwood fence or masonry or architectural tile fence on the south to protect adjacent residents from blowing debris, light and sound. Such fence shall be maintained in good condition.

8. The applicant shall maintain adequate parking barriers adjacent to Kellogg and Fabrique to prevent the extension or overhanging of vehicles beyond the property lines.

9. Upon the release of this resolution, Resolution BZA 11-63 shall become null and void.

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7. Case No. BZA 17-86 - D & M Investments, P.O. Box 18047, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of an existing automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

> All of Block 2, Sunnybrook Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive between Eastern and Mansfield (8335 East Kellogg).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

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 a previously approved automobile sales lot onto a property that has been a restaurant. The property is surrounded by three streets and the drainageway of Gypsum Creek on the south. The only residences in the immediate area are those located with the rear yards adjacent to Gypsum Creek which is separated 130 feet from the rear of the applicant's property.

The applicant has not submitted a site development plan showing how the property will be arranged for the sale and display of automobile, or which building will be retained. It is not certain if the applicant intends to use the entire property at this time, however, they have filed the application and it may be considered subject to the approval of a site plan by the Traffic Engineer and the Secretary.

It is the Secretary's opinion that this portion of Kellogg has been favored for such uses and the expansion at this location should be appropriate. Any approval for use of the additional property should be