

BZA RESOLUTION NO. 47-88

WHEREAS, Karl R. Solomon and Elliott Werbin, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on property zoned the "LC" Light Commercial District and legally described as follows:

All of Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the north 314.81 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee.

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 October 25, 1988, 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 sale of used motor vehicles and motorcycles 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.

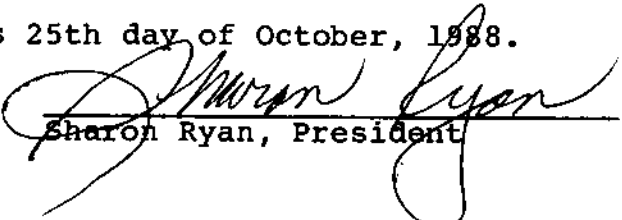
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit the sale of used motor vehicles licensed for operation on City streets and motorcycles in conjunction with the primary business of a pawn shop on property zoned the "LC" Light Commercial District and legally described as follows:

All of Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the north 314.81 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee.

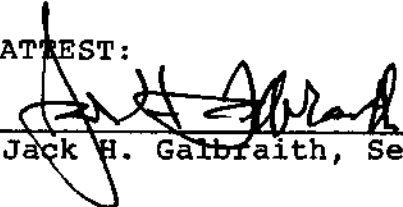
subject to the following conditions:

1. All outside storage and display areas for the motor vehicles and motorcycles shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Signs shall be in accordance with the approved community unit plan for this property (DP-169).
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. No repair work shall be conducted, except in an enclosed building, and further provided that no body or fender work shall be done unless "C" zoning is first obtained.
6. Development of the property shall proceed in accordance with the site plan as submitted with the application. The maximum number of motor vehicles and/or motorcycles on site for storage or sale at any one time shall not exceed 22.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1988.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 288-4561

October 31, 1988

Robert Kaplan
430 N. Market
Wichita, KS 67202

Re: BZA 47-88 - Exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop (SW corner of Pawnee & Oliver).

Dear Mr. Kaplan:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on October 25, 1988. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Elliott Werbin, 101 N. Edgemoor, Wichita, KS, 67208
Karl R. Solomon, 625 N. Carriage Parkway, Wichita, KS, 67208
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BACKGROUND: The applicant is requesting an exception to permit the outside sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on a leased portion of a platted lot which is included in the Spencer Gardens Commercial Community Unit Plan located at the southwest corner of Oliver and Pawnee. A letter of credit is on file with the City which guarantees construction of a screening wall along the west side of this application area (and other areas) whenever property to the west develops residentially or whenever litter becomes a problem.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Developing commercial
SOUTH	"AA"	Drainage channel
EAST	"LC"	Used car lot
WEST	"R-6"	Undeveloped

RECOMMENDATION: Should the Board determine that a used motor vehicle and motorcycle sales lot in conjunction with the business of a pawn shop is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. All outside storage and display areas for the motor vehicles and motorcycles shall be paved with concrete, asphalt or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. Signs shall be in accordance with the approved community unit plan for this property (DP-169).
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. No repair work shall be conducted, except in an enclosed building, and further provided that no body or fender work shall be done unless "C" zoning is first obtained.
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October 25, 1988

SECRETARY'S REPORT

CASE NUMBER:

BZA 47-88

OWNER/APPLICANT/AGENT:

Karl Solomon (owner)
Elliott Werbin (applicant/lessee)
Robert W. Kaplan (agent)

REQUEST:

Exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop.

CURRENT ZONING:

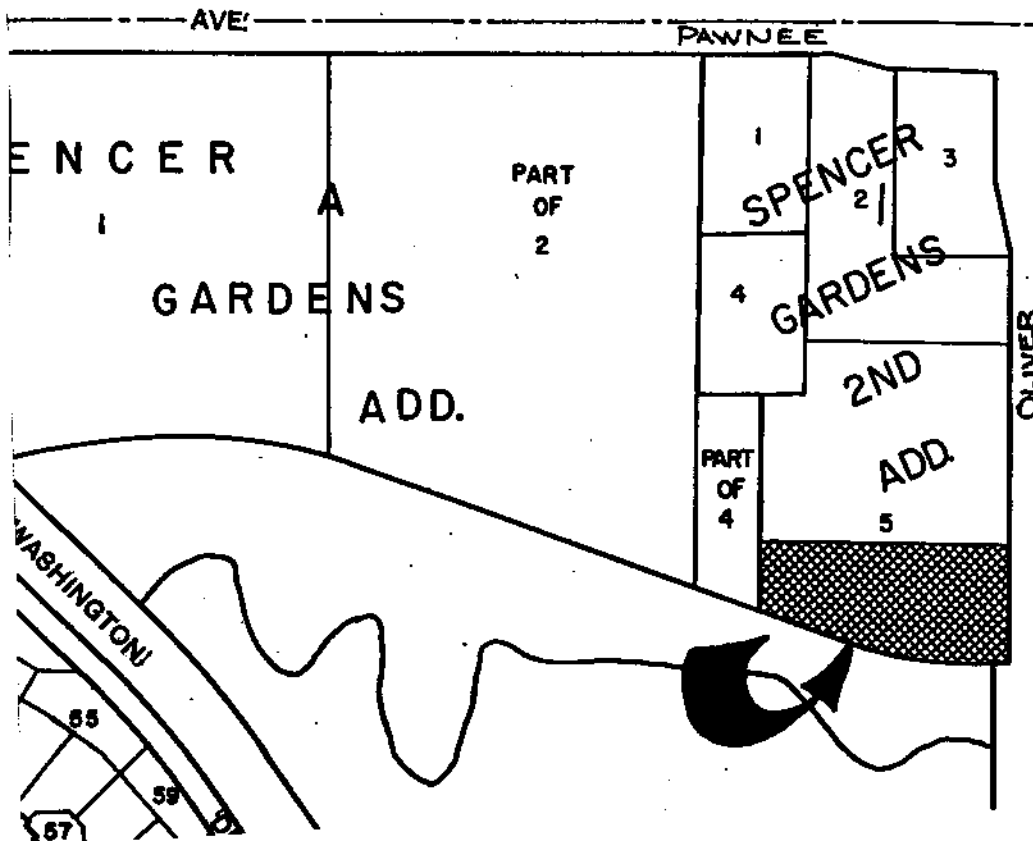
"LC" Light Commercial District

SITE SIZE:

200 ft. x 400 ft. ±

LOCATION:

West side of Oliver in an area south of Pawnee.



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in 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.