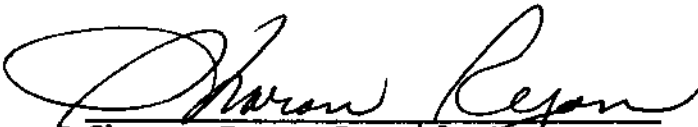


ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1989.


Sharon Ryan, President

ATTEST:


Louise Olivarez, Assistant Secretary

BZA RESOLUTION NO. 27-89

WHEREAS, the Estate of Fred V. Dole, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

That part of the north one-half of the Northeast Quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying north and east of George Washington Boulevard in Wichita, Kansas, described as: Beginning at a point 788 feet south and 30 feet west of the northeast corner of Section 34; thence west at right angles with the east line of the Northeast Quarter of said Section 34, a distance of 68 feet; thence in a southwesterly direction a distance of 62 feet more or less to a point in the northeasterly line of George Washington Boulevard and at a distance of 935 feet in a southeasterly direction from and measured along the northeasterly line of said George Washington Boulevard from the intersection of the northeasterly line of said George Washington Boulevard with the north line of said Section 34; thence in a southeasterly direction along the northeasterly line of George Washington Boulevard to a point 30 feet west of the east line of the Northeast Quarter of said Section 34, said point being the intersection of the northeasterly line of said George Washington Boulevard with the west line of Hillside Avenue; thence north along the west line of said Hillside Avenue to a point of beginning. Generally located between George Washington Blvd. and Hillside in an area south of Harry (1718 S. George Washington Boulevard).

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 July 25, 1989, 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 a used car sales lot 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 a used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

That part of the north one-half of the Northeast Quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying north and east of George Washington Boulevard in Wichita, Kansas, described as: Beginning at a point 788 feet south and 30 feet west of the northeast corner of Section 34; thence west at right angles with the east line of the Northeast Quarter of said Section 34, a distance of 68 feet; thence in a southwesterly direction a distance of 62 feet more or less to a point in the northeasterly line of George Washington Boulevard and at a distance of 935 feet in a southeasterly direction from and

measured along the northeasterly line of said George Washington Boulevard from the intersection of the northeasterly line of said George Washington Boulevard with the north line of said Section 34; thence in a southeasterly direction along the northeasterly line of George Washington Boulevard to a point 30 feet west of the east line of the Northeast Quarter of said Section 34, said point being the intersection of the northeasterly line of said George Washington Boulevard with the west line of Hillside Avenue; thence north along the west line of said Hillside Avenue to a point of beginning, except existing street right-of-way. Generally located between George Washington Blvd. and Hillside in an area south of Harry (1718 S. George Washington Boulevard).

subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business and any automotive repair work conducted on the site shall be entirely within a building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
2. Prior to use of this property for a used car sales lot, the entire lot (except for areas to be landscaped, if any) shall be paved with concrete, asphalt or asphaltic concrete and striped in accordance with the approved plan. Parking barriers to prevent the encroachment of cars onto sidewalks and other public right-of-way shall be installed and properly maintained at all locations indicated on the approved plan.
- 10-91
4 for bldg
2 for det
6
3. Parking spaces for clients and employees shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's Office. These spaces shall be marked and designated for clients/employees and shall not be used for display and storage of cars which are for sale (except for sales cars driven by the employees of this business).
4. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
5. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
6. Only those signs as permitted in the "LC" zoning district shall be permitted, except that no portable signs or off-site advertising signs shall be permitted.
7. Prior to commencement of the used car sales business on this site, a change of occupancy permit shall be obtained.
8. The applicant shall permanently close two of the driveways on George Washington Boulevard prior to commencement of the used car sales business on this site. Permanent closure requires the installation of curbs and filling the area between curb and sidewalk to bring the elevation up to grade.
9. All conditions required by this resolution and by Section 28.04.183.2 of the Zoning Ordinance shall be satisfactorily completed within six months (January 25, 1990) or the resolution authorizing this use exception shall be considered null and void.

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

July 25, 1989

Everett C. Fettis, Co-Executor
Estate of Fred V. Dole
120 S. Market, Suite 504
Wichita, KS 67202

Re: BZA 27-89 - Exception to permit a used car sales lot at
1718 S. George Washington Blvd.

Dear Mr. Fettis:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 25, 1989. 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: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

3. Prior to use of this property for a used car sales lot, the entire lot (except for areas to be landscaped, if any) shall be paved with concrete, asphalt or asphaltic concrete and striped in accordance with the approved plan. Parking barriers to prevent the encroachment of cars onto sidewalks and other public right-of-way shall be installed and properly maintained at all locations indicated on the approved plan.
4. Parking spaces for clients and employees shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's Office. These spaces shall be marked and designated for clients/employees and shall not be used for display and storage of cars which are for sale (except for sales cars driven by the employees of this business).
5. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
7. Only those signs as permitted in the "LC" zoning district shall be permitted, except that no portable signs or off-site advertising signs shall be permitted.
8. Prior to commencement of the used car sales business on this site, a change of occupancy permit shall be obtained.
9. The applicant shall permanently close two of the driveways on George Washington Boulevard prior to commencement of the used car sales business on this site. Permanent closure requires the installation of curbs and filling the area between curb and sidewalk to bring the elevation up to grade.
10. All conditions required by this resolution and by Section 28.04.183.2 of the Zoning Ordinance shall be satisfactorily completed within six months (January 25, 1990) or the resolution authorizing this use exception shall be considered null and void.

July 25, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 27-89

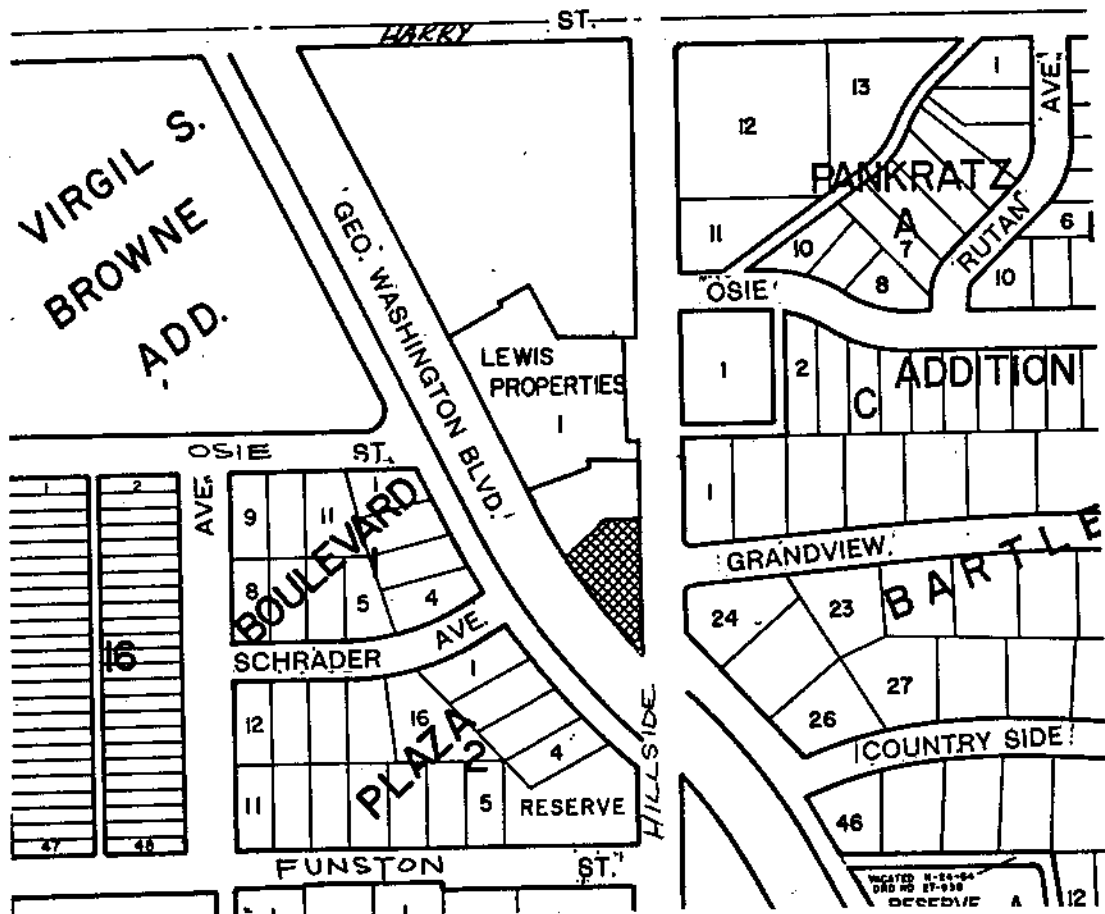
OWNER/APPLICANT/AGENT: Estate of Fred V. Dole (owner/applicant)
Everett Fettis, Co-Executor (agent)

REQUEST: Exception to permit a used car sales lot.

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 12,140 sq. ft. (0.3 acres)

LOCATION: Between George Washington Boulevard and Hillside in an area south of Harry.



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.

BACKGROUND: The applicant is requesting an exception to permit a used car lot in "LC" zoning at the former 12,000±-square-foot Town and Country convenience store site between Hillside and George Washington Boulevard in an area south of Harry. The existing 1,900-square-foot building is to be used for the sales office. Parking is limited due to the shape of the property, but the site plan shows 21 spaces. There are now three driveways to the site from the Boulevard and one from Hillside. The applicant proposes to close the north two on the Boulevard side. Current parking standards in the zoning text would require that eleven spaces be provided (1/250-sq.-ft. building + 1/3,000-sq.-ft. lot) for customers and employees, leaving only ten spaces for the sales cars. Parking standards are currently being reviewed and perhaps will be reduced for this type use in the near future. One proposal under consideration would reduce the parking requirement on this property to six spaces (2/1,000-sq.-ft. building + 2 for first 10,000-sq.-ft. lot area + 1 for each additional 10,000-sq.-ft. lot area). In 1967, a use exception was approved for a used car sales lot several hundred feet to the north on George Washington Boulevard. In 1970, an equipment rental use exception was approved adjacent to the car sales lot.

A Hillside repaving project has just recently been completed for which 5 feet of additional right-of-way was acquired from this site, making a total half-street right-of-way of 35 feet. Fifty feet is the standard half-street right-of-way for arterials such as Hillside. The applicant should be required to contingently dedicate an additional 15 feet for Hillside, contingent upon the City's need for the right-of-way for any additional street widening project. It appears that a very small portion of the corner of the building would be within this 15 feet and should be excluded from the contingent dedication.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	General commercial
SOUTH	N.A.	Street right-of-way
EAST	"A"	One-family dwellings
WEST	"B" & "RB"	Four-family dwellings

RECOMMENDATION: Should the Board determine that a used car sales lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. Within 30 days after approval of this use exception by the Board and prior to release of the resolution, the owner shall contingently dedicate 15 feet of additional right-of-way for Hillside. The contingency shall be the City's need for the right-of-way for any additional street widening project.
2. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business and any automotive repair work conducted on the site shall be entirely within a building. No body or fender work shall be done on the premises without first obtaining "C" zoning.