

Board.

9. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 22nd day of November, 1994.


Susan Osborne-Howes, President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 33-94

WHEREAS, Dillon Shopping Center - Ruth Spooner Stone and Dillon Real Estate Co. -Lee Kelly, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit an off-street parking lot on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lot 2, Westforn Addition, Wichita, Sedgwick County, Kansas. Generally located in an area 400 feet north of 13th Street and 500 feet east of West Street.

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 November 22, 1994, 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 an off-street parking lot on property zoned the "B" Multiple-Family Dwelling District, subject to the conditions outlined in Section 28.04.145, 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 an off-street parking lot on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
7. A six-to-eight-foot solid wood fence shall be constructed along the east line of Lot 2, Westforn Addition, Wichita, Sedgwick County, Kansas adjacent to the parking area. The finished side of the fence shall face outward (eastward).
8. The area shall be paved and striped in accordance with the plan and all required fencing shall be completed prior to use of the property for a parking lot but in no case later than one year following approval of this use exception by the

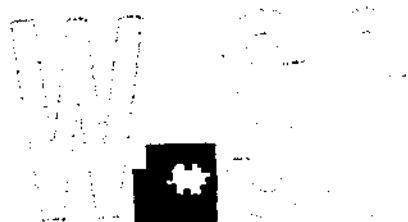
Paul Hays, OCI

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

November 23, 1994

Ruth Spooner-Stone
Dillon Shopping Center
P. O. Box 1608
Hutchinson, KS 67504-1608

Re: BZA 33-94 Exception to permit an off-street parking lot.

Dear Ms. Spooner-Stone

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 22, 1994. 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 call our office.

Sincerely yours

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: Gary Wiley, PEC., P.A., 303 S. Topeka, Wichita, KS 67202
Lee Kelly, Director of Real Estate, P. O. Box 1608, Hutchinson, KS 67504-1608
Randy Sparkman, OCI

7. A six-to-eight-foot solid wood fence shall be constructed along the east line of Lot 2, Westforn Addition, Wichita, Sedgwick County, Kansas adjacent to the parking area along the east property line. The finished side of the fence shall face outward (eastward).
8. The area shall be paved and striped in accordance with the plan and all required fencing shall be completed prior to use of the property for a parking lot but in no case later than one year following approval of this use exception by the Board.
9. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
November 22, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 33-94

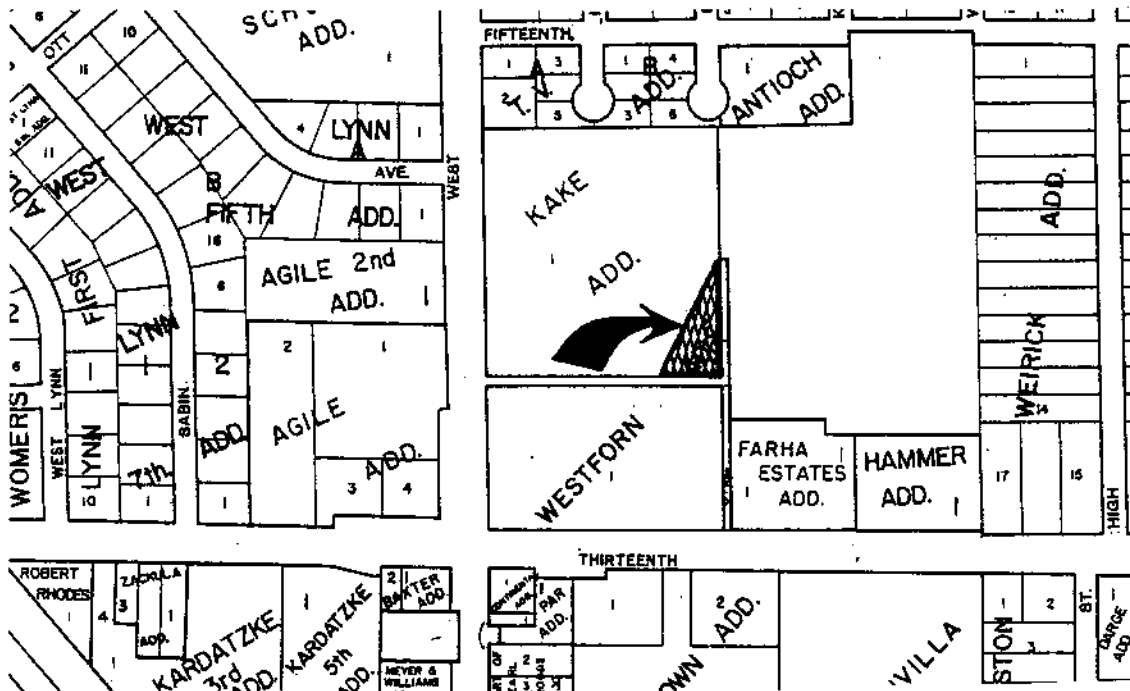
OWNER/APPLICANT: Dillon Shopping Center - Ruth Spooner Stone
AGENT: Lee Kelly - Dillon Real Estate Co. Inc. and
Gary Wiley - P.E.C

REQUEST: Exception to permit an off-street parking lot in the
"B" Multiple-Family Dwelling District

CURRENT ZONING: "B" Multiple-Family

SITE SIZE: 0.55 Acres

LOCATION: In an area 400 feet north of 13th Street and 500
feet east of West Street



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 28.04.145 can be complied with.

BACKGROUND: Dillon Shopping Center is requesting an exception to permit off-street parking in the "B" Multiple-Family Dwelling District. Both lots 1 and 2 of Westforn Addition are under the same ownership and the applicant desires to develop lot 2 as an employee parking lot to support the existing Dillons store and parking areas on lot 1. There currently is no development on lot 2 which is separated from lot 1 by a 20 foot alley along their common boundary. The exception would allow 45 parking spaces within the "B" Multiple-Family Dwelling District. The proposed site plan submitted with the application indicates compliance with all screening and landscape requirements. The required wooden fence is along the east property line adjacent to "AA" Single Family Zoned property which is currently being used as a City of Wichita park (Sycamore).

ADJACENT ZONING AND LAND USE:

NORTH	"LC" Light Commercial	KAKE TV Studio
SOUTH	"LC" Light Commercial	Dillons Store and Parking Lot
EAST	"AA" Single-Family Dwelling	Sycamore Park
WEST	"LC" Light Commercial	KAKE TV Studio

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

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.