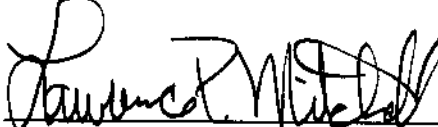


8. A masonry wall at least six feet above the sight line of the levee shall be provided north of this application area. The exact size and placement will be determined at the time of review of the revised site plan as required in condition #11.
9. Parking for early service customers shall be provided for on site and not be permitted to spillover onto public streets.
10. No vehicular access shall be allowed to Dubon from either site.
11. Within one year after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall replat the property and shall develop a site plan and a landscape plan based on the replat of the property which meets all the requirements of the zoning and landscape codes. These site and landscape plans shall be submitted to the Board of Zoning Appeals for review and approval. Additional conditions of site development may be established at that time.
12. This resolution authorizing vehicle sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, 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. 35-94

WHEREAS, Gene Miles Development, Inc. and KDA, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit sales and service of new and used motor vehicles on property zoned the "LC" Light Commercial and legally described as follows:

Parcel 1:

Lots 1 and 2, Block 1, Miles Lakewood Village, Sedgwick County, Kansas, EXCEPT that part platted as Miles Lakewood Village Second Addition, Wichita, Sedgwick County, Kansas.

Parcel 2:

Lot 1, Block 2, Miles Lakewood Village, Sedgwick County, Kansas.

Parcel 3:

Lot 3, Block H, in Westport Addition, Sedgwick County, Kansas, and part of Highway Borrow Easement in said Block H, said Highway Borrow Easement being in the Southeast Quarter of Section 29, Township 27 South, Range 1 West of the 6th P.M., and as condemned in Case A-38302 in District Court, Sedgwick County, Kansas, EXCEPT the West 30 feet, and EXCEPT the following described tract:

Beginning at the southeast corner of said Lot 3, Block H; thence southwesterly along the south line of said Block H, and along the North line of said Highway 196.48 feet; thence north parallel to the east line of said Lot 3, Block H, 250 feet to the north line of said Lot 3, Block H; thence northeasterly along the north line of said Lot 3, Block H, 196.48 feet to the northeast corner of said Lot 3, Block H; thence south on the east line of said Lot 3, Block H, 250 feet to the point of beginning.

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 sales and service of new and used motor vehicles on property zoned the "LC" Light Commercial, 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 for an exception be approved to permit sales and service of new and used motor vehicles on property zoned the "LC" Light Commercial and legally described as follows:

Parcel 1:

Lots 1 and 2, Block 1, Miles Lakewood Village, Sedgwick County, Kansas, EXCEPT that part platted as Miles Lakewood Village Second Addition, Wichita, Sedgwick County, Kansas.

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subject to the following conditions:

- 1. All vehicle parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers (e.g., curbs, bumper blocks, posts and chains, etc.) shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not extend beyond the property boundaries.**
- 2. This new and used vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any vehicle service or repair work conducted on the site shall be entirely within the buildings. No body or fender work shall be done on the premises without first obtaining "C" zoning.**
- 3. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires two employee spaces for each 1,000 square feet of building area and two customer spaces for the first 10,000 square feet of lot area used for storage and display, plus one customer space for each additional 10,000 square feet of lot area used for storage and display. If any of the building is utilized for car repair, the parking calculation is three per 1,000 square feet, plus three spaces. The spaces required for customers and employees shall be identified on the site plan and labeled on the site by small signs or pavement markings and shall not be used for display and storage of cars which are for sale (except for sales vehicles driven by the employees of this business).**
- 4. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting or banners shall be permitted. No light fixtures taller than 15 feet above grade shall be permitted in the north 100 feet of the site. Lights shall not project beyond the perimeter of the screening wall.**
- 5. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted and no string-type banners or pennants shall be permitted.**
- 6. No sound projecting devices or loudspeakers shall be permitted outside of the buildings.**
- 7. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.**

Gene Miles Development Inc.

Page 2

July 27, 1995

Ray Sledge, OCl

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

Gene Miles Development Inc.
10711 W. Kellogg
Wichita, KS 67209

July 27, 1995

RE: BZA 35-94 - Exception to permit sales and service of new and used motor vehicles in "LC" Light Commercial District.

Dear Mr. Miles:

Enclosed is a signed copy of the above-referenced BZA Resolution approved 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 now that the property has been replatted and a site plan and landscape plan were developed based on the replat and the Board of Zoning Appeals has reviewed and approved the plans as required by Condition No. 11.

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: KDA Inc., P.O. Box 780047, Wichita, KS 67202
Phil Meyer, Baughman Company, 315 Ellis, Wichita, KS 67211
Grant Tidemann, Weigand & Sons Realtors, 150 N. Market, Wichita, KS 67202
Everett C. Fettis, 120 S. Market, Suite 504, Wichita, KS 67202
Stan Childs, President, Lakewood Village Association, 1376 Bridgewater Court, Wichita, KS 67209
Randy Sparkman, OCI
Paul Hays, OCI

5. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted and no string-type banners or pennants shall be permitted.
6. No sound projecting devices or loudspeakers shall be permitted outside of the building.
7. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
8. Within one year after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall replat the property and shall develop a site plan and a landscape plan based on the replat of the property which meets all the requirements of the zoning and landscape codes. These site and landscape plans shall be submitted to the Board of Zoning Appeals for review and approval. Additional conditions of site development may be established at that time.
9. This resolution authorizing vehicle sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 35-94

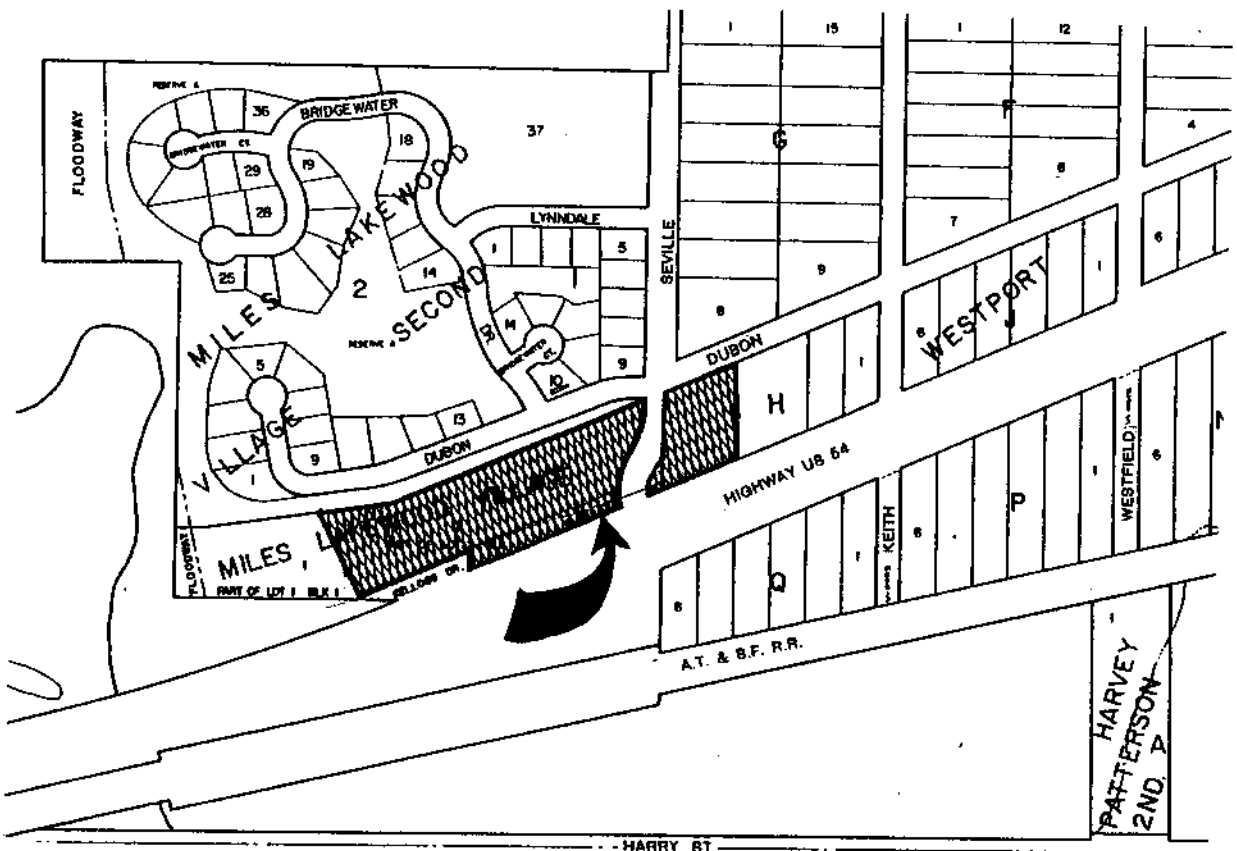
OWNER/APPLICANT: Gene Miles Development, Inc., and KDA, Inc.
AGENT: Everett C. Fettis and Baughman Co.

REQUEST: Exception to permit sales and service of new and used motor vehicles in the "LC" Light Commercial District

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 5.2 Acres

LOCATION: North of Kellogg on both sides of Seville



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 application area is located on west Kellogg in an area on both sides of Seville and is currently undeveloped. The owner, Gene Miles Development, Inc., and contract purchaser, KDA, Inc., are requesting an exception to develop the site for new and used motor vehicle sales. The site plan indicates that the used car sales and service activities will occur on the site which is located on the east side of Seville. It is proposed that the west site will be the location of a 16,960 square foot building which will contain 2,700 square feet of Showroom; 1,863 square feet of Office; 1,750 square feet of Parts Department; and 10,647 square feet of Service Area. There will be 88,629 square feet of outdoor display area which will provide for 474 outdoor display stalls. In addition to the display stalls there will be 61 stalls reserved for employees and customers, as required by the Zoning Code. The east site, which will be the location of the used vehicle operation, will contain a 1,080 square-foot building which will be the sales office. There will be 17,182 square feet of outdoor display on this east site which will provide space for 85 outdoor display stalls and 9 stalls for customers and employees. Access to both sites is from the Seville frontage. Seville is designated as a collector and is currently being paved from Kellogg to Maple. There is no electronic signalization of Kellogg at the Seville intersection.

North of both sites are single family residential areas. The west site is immediately adjacent to the Miles Lakewood Village Second Reserve, which is part of a system of berms which provides flood protection to the subdivision. The single family dwelling units are located approximately 100 feet north of the proposed west sales lot. The east used vehicle sales lot site is separated from the single family residential development immediately to the north of the site by Dubon Street.

The applicants are proposing to provide screening between their west site and the residential area to the north by means of a six-foot screening wall (required by the zoning code) and shade trees planted every 40 feet along the north side of the wall (shade trees at this spacing are required by the new landscape code). Planting these trees on the Reserve area, owned by the Miles Lakewood Village Homeowners Association, will require approval of that association. Also, provisions will need to be made for future maintenance of the trees. As of this writing, the applicants have not provided staff with any information about this association's knowledge of or willingness to permit these trees within their Reserve.

Other details of the landscaping shown on the site plan are mainly in compliance with the landscape code although more landscape street yard is needed along Seville and Dubon. Since platting of this property will be required before development can occur (the tracts are now just pieces of previously platted lots), and right-of-way, building setbacks, access controls, and site grading/drainage are issues to be finalized at the time of platting, it is impossible to state with any certainty at this time the exact site development requirements.

Although the adopted Comprehensive Plan suggests that automotive uses should be limited to locations on major streets such as Kellogg, there are other factors which should be considered in determining whether or not this use is appropriate at this location. The close proximity of single-family homes to the north which face the proposed sales and service use is not desirable. This land will need to be filled for development,

which will make it more visible from the residential area than it is presently. The existence of the straight collector street of Seville, which would likely be used for the test driving of vehicles, are factors which suggest that maybe this proposed use would not be appropriate for the area.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Single Family Dwellings
SOUTH	"AA"	Park
	"C"	Mel Hambelton Auto Sales
EAST	"LC"	Motel
WEST	"AA"	Undeveloped

RECOMMENDATION: Staff is recommending that the use exception "not" be granted, but should the Board determine that a new and used motor vehicles sales lot is appropriate at this location, it is recommended that the approval be subject to the following conditions:

1. All vehicle parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers (e.g., curbs, bumper blocks, posts and chains, etc.) shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not extend beyond the property boundaries.
2. This new and used vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any vehicle service or repair work conducted on the site shall be entirely within the buildings. No body or fender work shall be done on the premises without first obtaining "C" zoning.
3. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires two employee spaces for each 1,000 square feet of building area and two customer spaces for the first 10,000 square feet of lot area used for storage and display, plus one customer space for each additional 10,000 square feet of lot area used for storage and display. If any of the building is utilized for car repair, the parking calculation is three per 1,000 square feet, plus three spaces. The spaces required for customers and employees shall be identified on the site plan and labeled on the site by small signs or pavement markings and shall not be used for display and storage of cars which are for sale (except for sales vehicles driven by the employees of this business).
4. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting or banners shall be permitted. No light fixtures taller than 15 feet above grade shall be permitted in the north 100 feet of the site. Lights shall not project beyond the perimeter of the screening wall.