

5. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires 1 per 250 square feet of building area + 1 per 3,000 square feet of lot area (less building coverage) for a total of 12 spaces, based on a 21,000-square-foot lot and an 1,315-square-foot building. These spaces shall be marked and designated for employees and customers 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). These required parking spaces shall also be identified on the site plan. If the parking code is amended to reduce the number of required spaces, the applicant may submit a revised site plan to the Secretary for review and approval in accordance with the new regulations and, once approved, the actual number of spaces provided and identified on site for employees and customers may be reduced accordingly.
6. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
7. 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 shall be permitted.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. Within 90 days after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall submit a landscape plan to the Secretary for review and approval. The plan shall include landscaped areas on the south and west sides of the property.
10. This site shall be developed for a car and truck leasing and sales business in accordance with the approved site plan and in accordance with all conditions of approval within one year after BZA approval, or the resolution shall be considered null and void.
11. Release of this resolution shall supersede and make null and void BZA Resolution 38-84.
12. The applicant shall obtain a change of occupancy permit before utilizing this site for the proposed use exception.

ADOPTED AT WICHITA, KANSAS, this 25th day of June, 1991.


Keith A. Alter, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 14-91

WHEREAS, T.G. Davis, Jr., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit leasing and sale of new and used cars and trucks on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Ruth 2nd Addition to Wichita, Kansas. Generally located on the northeast corner of Kellogg Drive & Bonnie Brae (8402 E. Kellogg).

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 June 25, 1991, 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 leasing and sale of new and used cars and trucks 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.

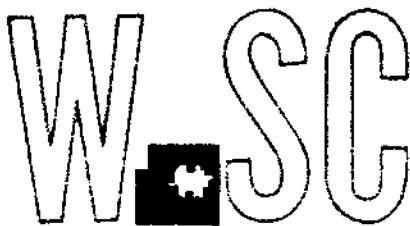
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit leasing and sale of new and used cars and trucks on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Ruth 2nd Addition to Wichita, Kansas. Generally located on the northeast corner of Kellogg Drive & Bonnie Brae (8402 E. Kellogg).

subject to the following conditions:

1. Within 90 days after approval by the Board and prior to release of the resolution, the applicant shall file an amended minor street privilege request to include the sign as a use within street right-of-way in addition to the paved parking. If the minor street privilege for the sign cannot be obtained, the sign will need to be removed from street right-of-way prior to redevelopment of this lot for this use exception. The site plan shall indicate the approved sign location(s).
2. Within 90 days after approval by the Board of Zoning Appeals and prior to release of the resolution, the applicant shall submit to the Secretary for review and approval four copies of a revised site plan, drawn to a scale of no less than 1"=20', which includes lot boundary dimensions, building dimensions, driveway widths, parking stall dimensions and circulation aisle widths. Other existing and proposed features, such as sign poles and parking barriers, shall be identified. The parking spaces shall be labeled as to use (e.g., customer/employee parking, trucks, compact cars only, etc.). The plan will be reviewed by the traffic engineer and must comply with all applicable traffic engineering standards prior to its approval.
3. This property shall be developed in accordance with the site plan approved for this use exception. 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 adjacent to streets, except at driveway entrances, to ensure that parked vehicles do not encroach onto public right-of-way.
4. This automobile sales and service lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or 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.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

July 31, 1991

Everett Fettis
120 S. Market
Suite 504
Wichita, KS 67202

Re: BZA 14-91 - Exception to permit leasing and sale of new and used cars and trucks on property zoned "LC" Light Commercial, located on the northeast corner of Kellogg Drive and Bonnie Brae (8402 E. Kellogg).

Dear Everett:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 25, 1991. 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 conditions 1, 2 and 9 have been completed.

If you have questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: T.G. Davis, Jr., P.O. Box 780047, 67278
David Denver, Budget Rent-A-Car, 1895 Midfield Road, 67209
Paul Hays, OCI
Lance Flowers, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

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FILE COPY

BZA 14-91 Secretary's Report

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6. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
7. 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 shall be permitted.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. Within 90 days after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall submit a landscape plan to the Secretary for review and approval. The plan shall designate at least 1,200 square feet of landscaped yard somewhere between the building and Kellogg Drive. A minimum of 3 shade trees (2-inch minimum caliper) or 6 ornamental trees (1-inch minimum caliper) shall be provided; shrubs shall be no smaller than 2-gallon size. This landscaped area may be reduced by 20% if the minimum plant sizes are increased by 100% and may be reduced another 20% if all seven principles of xeriscaping are employed. The plant materials shall be identified by scientific name, quantity, size at planting, and type of container (e.g., two-gallon, balled and burlapped, etc.). The method of providing water to the plant materials shall also be shown.
10. This site shall be developed for a car and truck leasing and sales business in accordance with the approved site plan and in accordance with all conditions of approval within one year after BZA approval, or the resolution shall be considered null and void.
11. Release of this resolution shall supersede and make null and void BZA Resolution 38-84.
12. The applicant shall obtain a change of occupancy permit before utilizing this site for the proposed use exception.

June 25, 1991

SECRETARY'S REPORT

CASE NUMBER:

BZA 14-91

OWNER/APPLICANT/AGENT:

T.G. Davis, Jr. (owner/applicant)
Everett Fettis (agent)

REQUEST:

Exception to permit leasing and sale of new and used cars and trucks.

CURRENT ZONING:

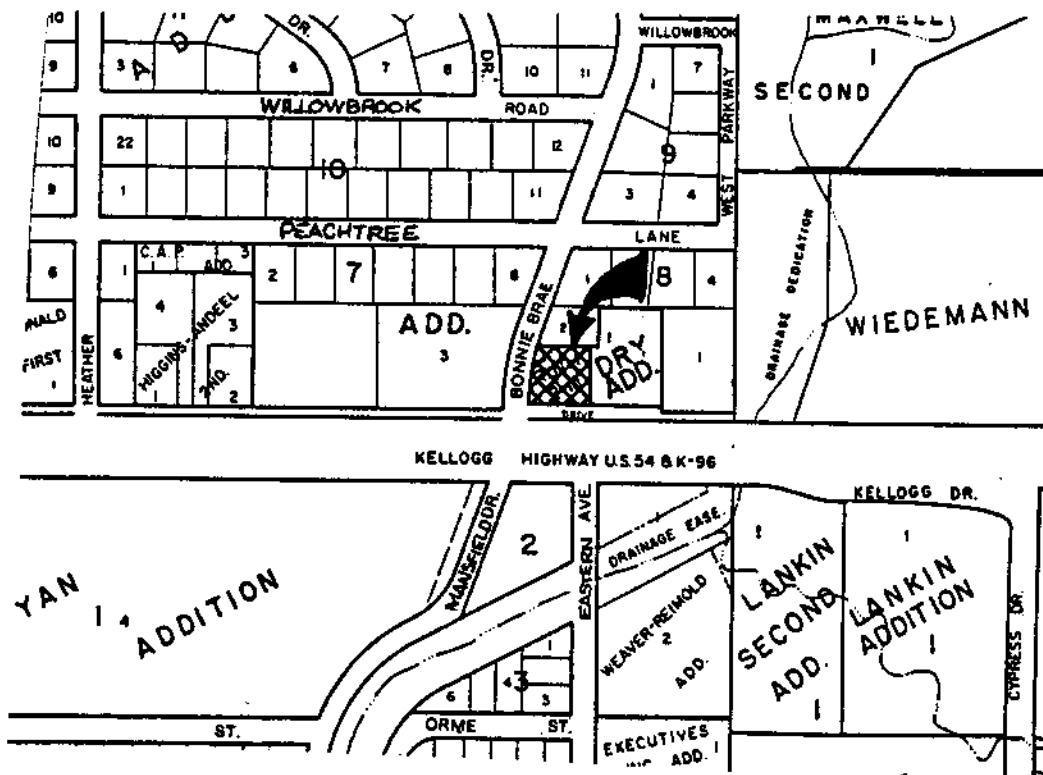
"LC" Light Commercial District

SITE SIZE:

140 ft. x 140 ft. ($\pm$)

LOCATION:

Northeast corner of Kellogg Drive and Bonnie Brae.



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: In 1984, this site was approved for a Davis-Moore automobile sales lot (BZA 38-84). The approved site plan designated 12 spaces for customers and employees adjacent to the building and 39 spaces for the display of sales cars. The lot has been unused in recent months, but is now proposed to be leased to Budget Cars for the rental or leasing, as well as sale, of cars and trucks. A new site plan has been proposed which places the 12 customer/employee spaces west of the building with all other spaces along the south, east and north perimeters of the lot. The spaces at the south end are to accommodate a double-stacking of cars and some single truck stalls. Without dimensions being shown on the plan, it is difficult to determine with certainty whether the proposed site plan is in accordance with all traffic engineering standards. It appears that the south ten feet is within dedicated street right-of-way. A minor street privilege was granted previously for use of this right-of-way for parking purposes. A variance granted in 1984 allowed the pole sign to be placed ten feet from the east property line, rather than the required 15 feet. A portion of this sign encroaches into the south ten feet, which is dedicated street right-of-way. However, that sign was not part of the minor street privilege, nor was it authorized by the previous sign variance case to be located within street right-of-way. If it is to remain within street right-of-way, the minor street privilege must be amended to include it as a use.

It is recommended that a minimum of 1,200 square feet of landscaped area be provided on this property (8 sq. ft. per linear foot of frontage on Kellogg) somewhere between the building and Kellogg Drive. A landscape plan shall be submitted to the Board's secretary for review and approval within 90 days and prior to release of the resolution authorizing this use exception. The plan shall include no fewer than three shade trees (2-inch minimum caliper) or six ornamental trees (1-inch minimum caliper); shrubs shall be no smaller than 2-gallon size. This landscaped area may be reduced by 20% if 100% larger than required plant materials are used and may be reduced another 20% if all seven principles of xeriscaping are employed.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Vacant light commercial building
SOUTH	"LC"	Vacant car sales lot
EAST	"LC"	Restaurant
WEST	"LC"	Service station

RECOMMENDATION: Should the Board determine that the leasing and sale of new and used cars and trucks is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. Within 90 days after approval by the Board and prior to release of the resolution, the applicant shall file an amended minor street privilege request to include the sign as a use within

street right-of-way in addition to the paved parking. If the minor street privilege for the sign cannot be obtained, the sign will need to be removed from street right-of-way prior to redevelopment of this lot for this use exception. The site plan shall indicate the approved sign location(s).

2. Within 90 days after approval by the Board of Zoning Appeals and prior to release of the resolution, the applicant shall submit to the Secretary for review and approval four copies of a revised site plan, drawn to a scale of no less than 1"=20', which includes lot boundary dimensions, building dimensions, driveway widths, parking stall dimensions and circulation aisle widths. Other existing and proposed features, such as sign poles and parking barriers, shall be identified. The parking spaces shall be labeled as to use (e.g., customer/employee parking, trucks, compact cars only, etc.). The plan will be reviewed by the traffic engineer and must comply with all applicable traffic engineering standards prior to its approval.
3. This property shall be developed in accordance with the site plan approved for this use exception. 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 adjacent to streets, except at driveway entrances, to ensure that parked vehicles do not encroach onto public right-of-way.
4. This automobile sales and service lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or 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.
5. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires 1 per 250 square feet of building area + 1 per 3,000 square feet of lot area (less building coverage) for a total of 12 spaces, based on a 21,000-square-foot lot and an 1,315-square-foot building. These spaces shall be marked and designated for employees and customers 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). These required parking spaces shall also be identified on the site plan. If the parking code is amended to reduce the number of required spaces, the applicant may submit a revised site plan to the Secretary for review and approval in accordance with the new regulations and, once approved, the actual number of spaces provided and identified on site for employees and customers may be reduced accordingly.