b. Moving the northeasternmost three parking spaces to the south far enough to avoid encroachment into the required sight distance triangle at Eastern and Kellogg Drive (five feet maximum).

c. Indicating the fence or wall as required in condition #4 above;

d. Amending the parking legend to indicate the number of customer and employee parking spaces required by code and designating these parking spaces on the site plan.

10. 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 1,500 square feet of landscaped yard which may be adjacent to the building. A minimum of three shade trees (2-inch minimum caliper) or six 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.

11. Any existing driveways which are not designated on the final site plan as being used in conjunction with this car lot shall be removed and the curb installed as part of the site redevelopment. Driveways to be closed shall be so identified on the revised site plan required in condition #9.

12. This site shall be developed for a car 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.

13. Release of this resolution shall supersede and make null and void BZA Resolutions 3-84 and 17-86.

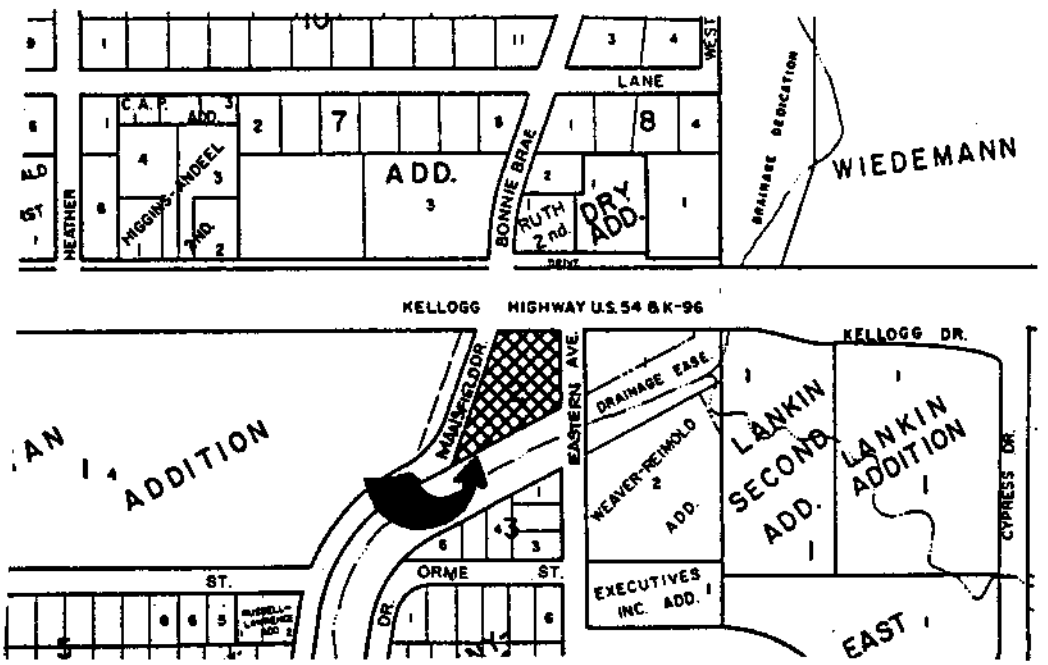
BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5

June 25, 1991

SECRETARY'S REPORT

CASE NUMBER:	BZA 15-91
OWNER/APPLICANT/AGENT:	T.G. Davis, Jr. (owner/applicant) Everett Fettis (agent)
REQUEST:	Exception to permit new and used automobile sales, including service.
CURRENT ZONING:	"LC" Light Commercial District
SITE SIZE:	1.1 acres
LOCATION:	South side of Kellogg, between Mansfield and Eastern.



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, the north one-third of this site was approved for auto sales (BZA 3-84). In 1986, an amended request was filed for the entire parcel (BZA 17-86). The amended request was approved subject to conditions, including submission of a site plan. One of the site development requirements was that no building be located closer than 35 feet to any adjacent street. A site plan was never submitted and the 1986 case remained open, but incomplete. When a site plan was actually ready to be submitted recently, it could not be approved because the proposed building expansion was to extend to within 10 feet of Mansfield. Thus, the need for a new application.

The current site plan indicates that the existing building on the rear portion of the property is to be expanded considerably, to approximately 11,200 square feet. Approximately 4,800 sq. ft. will be for sales; approximately 6,400 sq. ft. for service. Current parking code requirements specify 58 parking spaces needed for employees and customers, which would leave only 25 for new car display. This parking requirement is based on 1/250 sq. ft. building area (45 spaces), plus 1/3,000 sq. ft. lot area, minus building coverage (13 spaces). If new parking standards are adopted as proposed, the number of required spaces would be reduced to approximately 38, leaving approximately 45 spaces available for new car display. These new car display spaces are to be outside on the surface parking lot. Additional car display will be provided inside the building. Should this use exception be approved and the applicant wish to develop the site before parking amendments become effective, a variance will be required unless 58 spaces (or the exact number determined by Central Inspection, based on building plans yet to be submitted) are provided for customers and employees.

Although not shown on the site plan submitted with this application, an existing 1,800-sq.-ft. building, located about 60 feet south of the north property line, will be removed. A driveway onto Mansfield just south of Kellogg Drive is also to be removed.

A review of this proposed site plan by the Traffic Engineer provided the following comments:

(1) The one-way drive west of the repair area will not be permitted because it cannot accommodate the turning radius for westbound vehicles trying to turn into the driveway;

(2) The easternmost three parking stalls perpendicular to Kellogg Drive must be moved south about five feet to provide for the required sight distance triangle at Eastern and Kellogg Drive.

An alternative to deleting the one-way drive would be to redesign or rearrange the western portion of the proposed building. There is ample area in the northeast corner of the site to pull the cars back out of the sight triangle. Bumper blocks, a raised curb, or other

means of assuring that vehicles will not be parked on public right-of-way will be required adjacent to all perimeters, except at driveways. Although a hedgerow exists on the south side of the drainageway, a six-foot- to eight-foot-tall solid fence or wall should be required to be constructed along the north side of the drainageway at this applicant's south property line for added visual and noise protection. As the repair and service area face southeast, this fence or wall will be the only visual barrier for the public travelling north along Eastern. If a fence is constructed, the finished side should face outward.

It is recommended that a minimum of 1,500 square feet of landscaped area be provided on this property (10 square feet per linear foot of frontage on Kellogg). The landscaped area may be adjacent to the building, rather than at the perimeters, since all properties to the west, north and east are non-residentially zoned. 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 the minimum plant sizes are increased by 100% and may be reduced another 20% if all seven principles of xeriscaping are employed.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Former car sales lot
SOUTH	"AA"	Public drainageway and one-family dwellings
EAST	"LC"	Restaurant
WEST	"LC"	Restaurant and shopping center

RECOMMENDATION: Should the Board determine that new and used automobile sales, including service is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. 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, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.

2. 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.

3. 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 58 spaces, based on a 49,354-square-foot lot and an 11,200-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.

4. A six-foot- to eight-foot-tall wood fence or masonry wall shall be constructed along the south property line from a point ten feet east of Mansfield to a point ten feet west of Eastern. Within the east and west ten feet, the fence or wall shall be reduced (it may taper) to three feet in height.

5. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.

6. 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.

7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

8. No building shall be constructed closer than 35 feet to Kellogg Drive, 20 feet to Eastern, and 20 feet to Mansfield, except, however, within the south 150 feet of the Mansfield frontage, buildings may be constructed to within 10 feet of Mansfield street right-of-way.

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 four copies of a revised site plan which includes the following changes:

   a. Deletion of the one-way drive west of the repair portion of the building (or alteration of the proposed building to provide sufficient turning radius for westbound vehicles turning into that driveway);

WICHITA — SEDGWICK COUNTY

W-SC

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

August 22, 1991

T.G. Davis, Jr.
P.O. Box 780047
Wichita, KS 67278

Re: BZA 15-91 - Exception to permit new and used automobile sales, including service, on property zoned "LC" Light Commercial, located on the south side of Kellogg between Mansfield and Eastern (8335 E. Kellogg).

Dear Mr. Davis:

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 9 and 10 have been completed.

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

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Everett C. Fettis, 120 S. Market, Ste. 504, 67202
Sam Mobley, 420 S. Ridge Rd., 67209
Paul Hays, OCI
Lance Flowers, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

FILE COPY

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

Keith A. Alter, President

ATTEST:

Louise Olivarez, Secretary

*NOTE: On July 26, 1991, a new parking code became effective (Ord. #41-464). Required spaces for customers and employees now total 32, rather than 58.

- L.O.
8-21-91

BZA RESOLUTION NO. 15-91

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

Block 2, Sunny-Brook Addition to Wichita, Kansas. Generally located on the south side of Kellogg between Mansfield and Eastern. (8335 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 new and used automobile sales, including service, 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 new and used automobile sales, including service, on property zoned the "LC" Light Commercial District and legally described as follows:

Block 2, Sunny-Brook Addition to Wichita, Kansas. Generally located on the south side of Kellogg between Mansfield and Eastern.

subject to the following conditions:

1. 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, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.

2. 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.

3. 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 58 spaces, based on a 49,354-square-foot lot and an 11,200-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.

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