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4. A 6-foot-tall masonry screening fence (wall) shall be constructed in the southwest corner of the property, as depicted on the approved site plan. It shall tie into the existing concrete block wall which extends further south and then east. This screening fence shall be in place prior to use of the site for a car sales lot.
5. 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 six copies of a landscape plan, based on the approved landscape concept, to the BZA Secretary for review and approval. The plant materials shall be identified by scientific name, quantity, size at planting, and type of container. The method of providing water to the plant materials shall also be shown. Construction and/or elevation drawings of the screening fence shall be included with the landscape plans.
6. No new structures shall be constructed within 35 feet of Kellogg or Armour.
7. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
8. Signs permitted in the "LC" zoning district shall be permitted on this site, except for the following: no portable signs; no string-type banners; and no signs on Armour within the south 180 feet of the site, as measured along the west property line.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. The existing driveway in the southwest corner of the site shall be removed and the curb reconstructed as part of the redevelopment of this property for a car sales lot.
11. 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 two years after BZA approval, or the resolution shall be considered null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. _____

January 28, 1992

SECRETARY'S REPORT

CASE NUMBER:

BZA 36-91

OWNER/APPLICANT/AGENT:

Lightner Hotels, Inc. (owner)
T.V. Realty, ATTN: Stephen J. Mardis (appl./
contract purchaser)
Baughman Company (agent)
Ben Langel (agent)

REQUEST:

Exception to permit a new and used car sales
lot.

CURRENT ZONING:

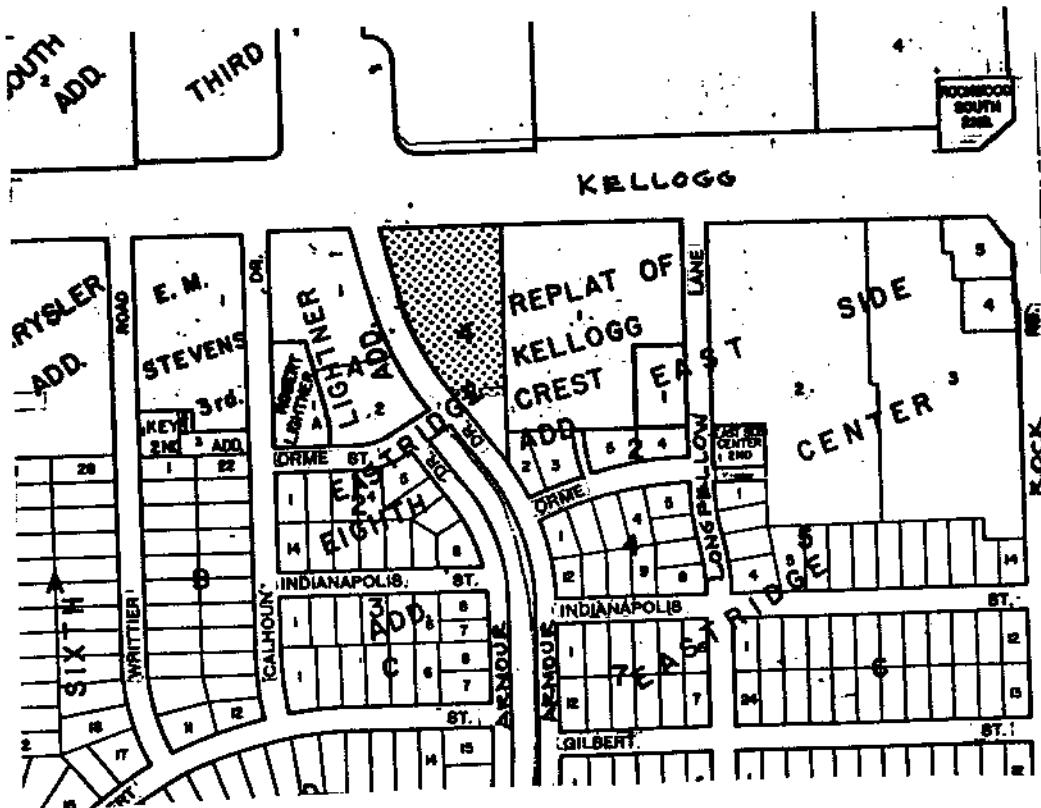
"LC" Light Commercial District

SITE SIZE:

2.16 acres

LOCATION:

Southeast corner of Kellogg & Armour Drive



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 contract purchaser of the site at the southeast corner of Kellogg and Armour Drive on which are now located several buildings which house or have housed in the past a motel, a restaurant and several other businesses. All buildings are proposed to be demolished and a 900-square-foot car sales building constructed. The site plan submitted with this application shows 216 parking spaces for cars.

The Board may recall that one year ago a similar proposal was submitted for use of this property (BZA 24-90). However, that case included the existing car sales lot to the east, as the two properties were to be connected and were to function as one. Due to several issues, including Kellogg right-of-way and community unit plan requirements, that case was deferred several times and finally withdrawn last September. The current request includes only the west portion of the block, where the motel is now located. Kellogg right-of-way is not an issue on this west property, as adequate right-of-way exists in accordance with the street standards specified in the Subdivision Regulations.

If less than six acres of contiguous commercial property is under single control, a community unit plan will not be required. Ownership of the west property (2+ acres) is purported to be separate from the property to the east (5.9 acres). Also, the amount of land to be leased to one dealership is purported to be less than six acres. An agent for the applicant has stated that the west property, plus a portion of the east property, will be leased to Saturn while the balance of the block is leased to Pontiac. This leasing information helps explain how a 216-car sales lot can operate with only a 900-square-foot sales building. Obviously, existing buildings to the east will provide additional office and sales areas.

When the neighborhood CPO council first reviewed the request for car sales on the west part of this block one year ago, there were concerns expressed about traffic congestion at the Kellogg/Armour intersection which might be aggravated by such a proposed use of the site. Although the council unanimously recommended approval of the use, they conditioned their approval upon the closure of the north two of the existing three driveways on Armour. Subsequent review by the City Traffic Engineer led to his report that the north driveway on Armour appeared to be far enough south to avoid traffic movement conflicts at this intersection, particularly in light of the proposed freeway status of Kellogg. The CPO council will review the current use exception request and site plan on January 27, 1992.

The current site plan shows the north two Armour driveways remaining open, while the south driveway will be closed. A 6-foot-tall masonry screening fence will be installed from the southwest corner of the site, paralleling Armour, up to the center driveway. A landscaped yard will be provided between this fence and the curb. This masonry fence will connect to the existing concrete block fence (wall) which extends south to Orme.

In accordance with the new landscape ordinance, approximately 5,000 square feet of landscaped area is required on this site. Strictly speaking, it should be located somewhere between the north face of the sales building and Kellogg. However, due to the unusual shape of the property, the desire to provide visual protection for residential properties to the southwest and the future plans for reconstruction work on Kellogg, the Superintendent of Central Inspection and the Director of Planning, in accordance with Section 10.32.090 of the City Code (landscape ordinance) have administratively approved the landscaped yard locations and planting concept as depicted on the site plan submitted with this application. A detailed landscape plan will still be required and should be submitted to the Secretary for review and approval prior to release of a resolution authorizing this use exception. Plans for the 6-foot masonry screening fence, including an exterior elevation drawing, shall be submitted at the same time.

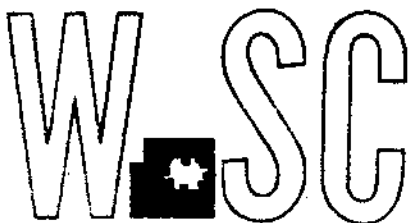
ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Retail shopping center (Fashion Square)
SOUTH	"LC"	Car sales and service
EAST	"LC"	Car sales and service
WEST	"LC" & "BB"	Hotel

RECOMMENDATION: Should the Board determine that a new and used car sales lot 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 by the Board of Zoning Appeals. 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 or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
2. The automobile sales 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. A new site plan shall be submitted for review and approval if any vehicle service or repair work is proposed on this site in the future.
3. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires 2 per 1,000 square feet of building area + 2 for the first 10,000 square feet of lot area (less building and landscape coverage) and 1 for each 10,000 square feet thereafter, for a total of 12 spaces. 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 the business).

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

May 8, 1992

Phil Meyer
Baughman Co.
315 Ellis
Wichita, KS 67211

Re: BZA 36-91 - Exception for car sales lot at SE corner Kellogg
Drive and Armour

Dear Phil:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on January 28, 1992. 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 landscape plan, as required by condition #5, has been submitted and approved. Please note that one change was made on the plan before approval was given and that change concerns the area to be seeded. The owner/developer is required to seed the area between the new screening wall and the curb on Armour, not just the area between wall and property line. In accordance with City codes, maintenance of the area between property line and curb is the abutting owner's responsibility. The area at the southwest corner, which is now a driveway and which is required to be closed, will need to be seeded, anyway.

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: Steve Mardis, Manager, T.V. Realty, 7633 E. Kellogg, 67207
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

- 10/93
Building is
7,200 sq ft
at least 4
employee spaces
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12. No vehicles associated with the operation of this car sales business shall be parked on Armour Drive or the Kellogg frontage road.
13. The sidewalk existing on the Kellogg frontage road shall remain in place.

ADOPTED AT WICHITA, KANSAS, this 28th day of January, 1992.



Mitchell Faroh, President Pro Tem

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 36-91

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

Block 4, Eastridge Eighth Addition to Wichita, Kansas, except beginning at the southeast corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the northwest corner of Lot 2, Block 1, Replat of Block 1, Kellogg Crest Addition; thence west parallel with the north line of Lots 2 and 3, said Block 1, 31.51 feet; thence southwesterly 41.68 feet to the southwesterly line of Block 4, to a point 87.17 feet northwesterly from the place of beginning; thence southeasterly along the southwesterly line of said Block 4, 87.17 feet to the place of beginning, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg and Armour Drive.

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 January 28, 1992, 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 new and 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 new and used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Block 4, Eastridge Eighth Addition to Wichita, Kansas, except beginning at the southeast corner thereof; thence north along the east line of said Block 4, 105.98 feet to a point 36.24 feet north of the northwest corner of Lot 2, Block 1, Replat of Block 1, Kellogg Crest Addition; thence west parallel with the north line of Lots 2 and 3, said Block 1, 31.51 feet; thence southwesterly 41.68 feet to the southwesterly line of Block 4, to a point 87.17 feet northwesterly from the place of beginning; thence southeasterly along the southwesterly line of said Block 4, 87.17 feet to the place of beginning, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg and Armour Drive.

subject to the following conditions:

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