

employees), plus two spaces per 10,000 square feet of lot area used for vehicle storage and display (for customers). These spaces shall be marked for employees and customers and shall not be used for display and storage of cars which are for sale. The customer spaces shall be located near the entrance to the business.

6. As required by Section 28.04.160.K of the Zoning Ordinance, a solid screen is required between commercial and residential districts. Since the property to the north is zoned "AA", One-Family Dwelling District, solid screening must be provided along the north property line. Redwood slats shall be installed in the existing chain link fence so as to create a solid screen. The slats shall be installed prior to using this lot for car sales. The slats shall be maintained and replaced whenever necessary to maintain the required screen.
7. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
8. 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.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. Prior to commencing operation of a car sales lot on this site, the applicant shall install a minimum of four ornamental trees on Prince and a minimum of two on 21st. Within 60 days after approval by the Board and prior to release of this resolution, the applicant shall submit a landscape plan which identifies the type(s) of proposed trees, their proposed locations, and their size at time of planting. The method of providing water to the plant materials shall also be noted.
11. Within 60 days following approval of this use exception by the Board and prior to release of the resolution, the applicant shall submit six copies of a revised site plan that shows which parking spaces are to be reserved for customers and which are to be reserved for employees; labels the required access-controlled area on 21st Street; labels the north fence as having redwood slats; accurately portrays the size and location of all existing driveways; and accurately identifies the four corners of this lot.
12. The car sales lot shall be in operation in accordance with all site improvement requirements within one year following approval by the Board, or this use exception shall become null and void. This car sales business may continue to operate at this site only for so long as the pawn shop, to which this car sales business is accessory, continues to operate on property adjacent to the west.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
May 26, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 12-92

OWNER/APPLICANT/AGENT: William J. Schreck, et.al (owner-seller)
Lucky 7 Pawn Shop, Inc. (owner-buyer/appl.)
Cora and Gregg Barnes (agents)

REQUEST: Exception to permit a used car sales lot

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 63 ft. x 145 ft.

LOCATION: Northwest corner of 21st and Prince
(2628 E. 21st St.)



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.

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BACKGROUND: Cora Barnes is the owner of the Lucky 7 Pawn Shop located in the small commercial center west of the application site. She and her son, Gregg, are wanting to use the application site for storage and sale of used cars, mostly ones which are pawned at the Lucky 7 Pawn Shop. The lot already contains a 1,400-square-foot building which has been used for a variety of purposes in the past. The main entrances into the building are at the southwest and southeast corners. The lot has recently been fenced, but has a vehicular access gate on the east side and a pedestrian access gate on the west side. Due to the small lot size and the location of the building, only 16 cars at the most can be accommodated within the fenced area. In accordance with the parking code, three spaces must be provided for employees (based on two per 1,000 square feet of building) and two spaces must be provided for customers (based on two per 10,000 square feet of lot area used for vehicle storage and display). One employee or customer space could probably be provided on the west side of the building south of the fence. There are two curb cuts on 21st Street. The east one will not be used because it has been fenced off; the west one is shared with the lot to the west. There are also two curb cuts on Prince. The north one will not be used because it also has been fenced off. The applicant should be required to close the unused driveway on Prince.

The 21st Street corridor improvements are still in the design phase, but no additional right-of-way is expected to be required on the north side. A fifth lane is proposed, but there will be no raised medians at this location. Since the easternmost driveway cannot be used because of the fence and since it is so close to the 21st/Prince intersection, the applicant should be asked to provide access control to 21st Street across the east 40 feet of the south property line. The drive could then be closed when the 21st Street road improvements are made in the future.

The platted north-south dimension of this lot is 145 feet, yet the site plan shows only 126 feet 3 inches within the fence. The applicant should be prepared to explain the discrepancy. There actually appears to be more area between the building and the curb on 21st Street than is shown on the site plan. Also, the gated driveway on Prince is more than 9 feet wide, as shown on this plan. Neither existing driveway to 21st Street is shown as required. A revised site plan should be required in order to resolve these discrepancies.

Due to the small size of the lot and the comparatively large size of the building, the use of this site for a car sales lot would be inappropriate EXCEPT as an accessory use to the pawn shop. At such time as the pawn shop ceases to operate on the adjacent lot to the west, the use of this application site for a used car sales lot should also cease.

Although the applicants do not intend to expand this building or to make improvements totaling more than 50% of the appraised value (which is reported by the Real Estate Records Office to be \$9,900) and therefore would not be required to comply with the City's landscape ordinance, it is recommended that some street trees be planted along 21st and along Prince adjacent to this site.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"RB"	Duplexes
EAST	"LC"	Undeveloped
WEST	"LC"	Pawn shop

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

1. Within 60 days following approval of this use exception by the Board and prior to release of the resolution, this property owner shall grant by separate instrument complete access control to 21st Street over and across the east 40 feet of the south line of the lot. When 21st Street road improvements are made in the near future, the east driveway will be removed.
2. Prior to use of this lot for used car sales, the applicant shall permanently close the north driveway on Prince by removing the concrete, reinstalling the curb, and adding soil and grass to this area.
3. Development of this lot for car sales shall be 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. If the chain link fence is ever removed, parking barriers (e.g., curbs, bumper blocks, posts and chains, etc.) shall be installed along the east and south boundaries to ensure that parked vehicles do not encroach onto public right-of-way.
4. The car sales lot shall be an accessory use to the pawn shop now located adjacent to the west and shall cease operation at such future date as the pawn shop ceases operation. 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 in the future.
5. Parking spaces for employees and customers shall be provided on the property as specified in the Zoning Ordinance, which currently requires two spaces per 1,000 square feet of building area (for

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

July 31, 1992

Mrs. Cora Barnes
Lucky 7 Pawn Shop
2620 E. 21st St.
Wichita, KS 67214

Re: BZA 12-92 - Exception to permit a used car sales lot at
2628 E. 21st Street, as amended.

Dear Mrs. Barnes:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 23, 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 conditions #1, #10 and #11 have been completed. Final development of the property and continued use of it for car sales purposes shall be in compliance with all twelve conditions of approval as listed in the resolution.

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

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

5. Parking spaces for employees and customers shall be provided on the property as specified in the Zoning Ordinance, which currently requires two spaces per 1,000 square feet of building area (for employees), plus two spaces per 10,000 square feet of lot area used for vehicle storage and display (for customers). These spaces shall be marked for employees and customers and shall not be used for display and storage of cars which are for sale. The customer spaces shall be located near the entrance to the business.
6. As required by Section 28.04.160.K of the Zoning Ordinance, a solid screen is required between commercial and residential districts. Since the property to the north is zoned "AA", One-Family Dwelling District, solid screening must be provided along the north property line. Redwood slats or painted metal slats shall be installed in the existing chainlink fence so as to create a solid screen. The slats shall be installed prior to using this lot for car sales. The slats shall be maintained and replaced whenever necessary to maintain the required screen. The slats and their installation in the fence shall be subject to approval by the Office of Central Inspection for compliance with the screening requirement of the Zoning Ordinance.
7. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
8. 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. The existing pole sign shall be removed from the property or repaired within 90 days of passage of this resolution.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. Prior to commencing operation of a car sales lot on this site, the applicant shall install a minimum of four ornamental trees on Prince and a minimum of two on 21st. Within 60 days after approval by the Board and prior to release of this resolution, the applicant shall submit a landscape plan which identifies the type(s) of proposed trees, their proposed locations, and their size at time of planting. The method of providing water to the plant materials shall also be noted. The trees shall be maintained in healthy condition and replaced if they die. Any replacement trees shall be approved by the City Forester as to type of tree prior to installation.
11. Within 60 days following approval of this use exception by the Board and prior to release of the resolution, the applicant shall submit six copies of a revised site plan that shows which parking spaces are to be reserved for customers and which are to be reserved for employees; labels the required access-controlled area on 21st Street; labels the north fence as having redwood or painted metal slats; accurately portrays the size and location of all existing driveways; and accurately identifies the four corners of this lot.
12. The car sales lot shall be in operation in accordance with all site improvement requirements within one year following approval by the Board, or this use exception shall become null and void. This car sales business may continue to operate at this site only for as long as the pawn shop, to which this car sales business is accessory, continues to operate on property adjacent to the west.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1992.


Mitchell Faroh, President

ATTEST:


Louise Olivarez, Secretary

AMENDED BZA RESOLUTION NO. 12-92

WHEREAS, Lucky 7 Pawn Shop, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 14, Schrecks Addition to Wichita, Kansas. Generally located on the northwest corner of 21st and Prince (2628 East 21st 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 May 26, 1992, consider said application and did, at the meeting of June 23, 1992, reconsider some of the specifics of the required site improvements; 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 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 used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 14, Schrecks Addition to Wichita, Kansas. Generally located on the northwest corner of 21st and Prince (2628 East 21st Street).

subject to the following conditions:

1. Within 60 days following approval of this use exception by the Board and prior to release of the resolution, this property owner shall grant by separate instrument complete access control to 21st Street over and across the east 40 feet of the south line of the lot. When 21st Street road improvements are made in the near future, the east driveway will be removed.
2. Prior to use of this lot for used car sales, the applicant shall permanently close the north driveway on Prince by removing the concrete, reinstalling the curb, and adding soil and grass to this area; or the applicant shall install a gate in the fence at this driveway location and leave this driveway open.
3. Development of this lot for car sales shall be 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. If the chainlink fence is ever removed, parking barriers (e.g., curbs, bumper blocks, posts and chains, etc.) shall be installed along the east and south boundaries to ensure that parked vehicles do not encroach onto public right-of-way.
4. The car sales lot shall be an accessory use to the pawn shop now located adjacent to the west and shall cease operation at such future date as the pawn shop ceases operation. 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 in the future.