6. Only those signs permitted in the "LC" zoning district shall be permitted on this site. No string-type banners or pennants shall be permitted.

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

8. The required striping and parking barriers shall be in place prior to this lot being utilized for car sales, but in no case later than one year following Board of Zoning Appeals' approval.

9. This resolution authorizing car sales at 4403 S. Broadway may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1992.

J. Mitchell Faroh
Mitchell Faroh, President

ATTEST:

Louise Olivarez
Louise Olivarez, Secretary

BZA RESOLUTION NO. 22-92

WHEREAS, Eloise Morris McMurtry Revocable Trust, 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:

> The north 105 feet of Lot 11, Block B., South Broadway Gardens 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of 43rd Street South and Broadway (4403 S. Broadway).

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 24, 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 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:

> The north 105 feet of Lot 11, Block B., South Broadway Gardens 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of 43rd Street South and Broadway (4403 S. Broadway).

subject to the following conditions:

1. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals, which utilizes only the east 105 feet of this site and which provides access from 43rd Street only. All vehicle parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete and the spaces shall be striped as shown on the site plan. A parking barrier consisting of posts and chain shall be installed along the east side of the parking area to ensure that parked vehicles do not encroach onto Broadway right-of-way. Parking barriers of posts and chain shall also be installed at the 43rd Street property line adjacent to the two rows of cars. Bumper blocks or a curb shall be installed along the west end of the row of cars in front of the building.

2. No body or fender work shall be done on the premises without first obtaining "C" zoning. Any automotive service or repair work conducted on the site shall be entirely within a building. A new site plan shall be submitted for review and approval if any vehicle service or repair work is proposed 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 one for each 250 square feet of building area for the print shop (including car sales office) and two for each 10,000 square feet (or fraction thereof) of lot area used for car sales and display (a total of eight spaces, based on current site plan). These spaces shall be reserved for employees and customers and shall not be used for display and storage of cars which are for sale.

4. Cars for sale on this site shall be limited to 12 at any one time, unless an amended application and site plan are submitted to and approved by the Board.

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

WICHITA — SEDGWICK COUNTY
W SC
METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

November 24, 1992

Mike Williams
4403 S. Broadway
Wichita, KS 67216

Re: BZA 22-92 - Exception to permit a used car sales lot on property zoned "LC" Light Commercial, located on the southwest corner of Broadway and 43rd Street South (4403 S. Broadway).

Dear Mr. Williams:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on November 24, 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. Also enclosed is a copy of the approved site plan.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Eloise Morris McMurtry Revocable Trust, c/o William Bell, 128 S. Dellrose, 67218
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

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. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals, which utilizes only the east 105 feet of this site. All vehicle parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete and the spaces shall be striped as shown on the site plan. Parking barriers (posts and chain, bumper blocks, etc.) shall be installed along the east and north sides of the parking areas to ensure that parked vehicles do not encroach onto public right-of-way.

2. No body or fender work shall be done on the premises without first obtaining "C" zoning. Any automotive service or repair work conducted on the site shall be entirely within a building. A new site plan shall be submitted for review and approval if any vehicle service or repair work is proposed 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 one for each 250 square feet of building area for the print shop (including car sales office) and two for each 10,000 square feet (or fraction thereof) of lot area used for car sales and display (a total of eight spaces, based on current site plan). These spaces shall be reserved for employees and customers and shall not be used for display and storage of cars which are for sale.

4. Cars for sale on this site shall be limited to 12 at any one time, unless an amended application and site plan are submitted to and approved by the Board.

5. All lights shall be shielded to reflect or 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. No string-type banners or pennants shall be permitted.

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

8. The required striping and parking barriers shall be in place prior to this lot being utilized for car sales, but in no case later than one year following Board of Zoning Appeals' approval.

9. This resolution authorizing car sales at 4403 S. Broadway may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2

November 24, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 22-92

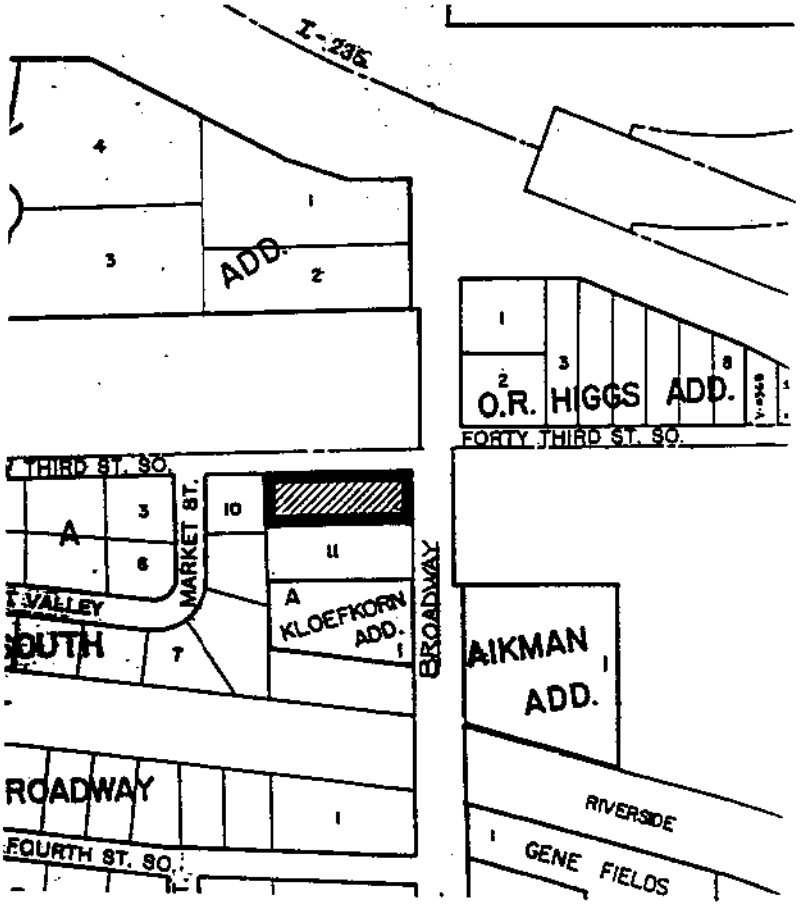
OWNER-APPLICANT/AGENT: Eloise Morris McMurtry Revocable Trust (owner-applicant)
Mike Williams (agent)

REQUEST: Exception to permit a used car sales lot

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 29,400 sq. ft.

LOCATION: Southwest corner of Broadway & 43rd St. S.



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 agent, Mike Williams, operates a printing business at 4403 S. Broadway on property owned by the Eloise Morris McMurtry Revocable Trust. He is requesting permission to have a used car sales business on a portion of this "LC"-zoned property. The existing 1,500 square-foot building located on the east portion of the property will remain and will continue to be used for the printing business, as well as for the car sales business. The site is paved from the building east to the front property line. The remainder of the site is unpaved, but is not proposed to be used by the applicant for car sales or customer/employee parking. Broadway is a four-lane paved street with a continuous roll curb providing access to this site at any location along the frontage. Forty-third Street is an unpaved street also providing access to this site at any location along the north property line.

A review of land uses along Broadway from 31st to 47th Streets South reveals the predominant land use to be vehicle-related. There are numerous vehicle repair, vehicle sales, mobile home sales and even one or two non-conforming vehicle salvage businesses within this area. Most of the frontage along Broadway is zoned "C" Commercial with a few properties remaining "LC" Light Commercial, as is this application area.

The applicant's site plan (copy attached) shows 10 paved spaces for used car sales display and 10 paved spaces for employee/customer parking. The employee/customer parking is sufficient for both businesses, based on one per 250 square feet of building, plus two per 10,000 square feet (or fraction thereof) of lot area used for car sales. A small portion of the existing building will be used as office space for the car sales business. It is not often that the Board approves a car sales lot on the same site as another business, especially one totally unrelated to vehicles such as this printing business. However, in this case, the lot is large and even the smaller, paved portion of the lot is large enough to accommodate the parking needs of both businesses. The proposed use is completely in character with other uses in the area.

Any future use of the lot area north or west of the building for any car storage, display or parking will require submission and approval of a revised site plan and the paving of additional lot area. It may also require screening along the west property line if the area to the west remains residential. Screening will not be required at this time, since no use is proposed for the west 175 feet of this property.

ADJACENT ZONING AND LAND USE:

NORTH	"C"; "E"	Strip commercial center
SOUTH	"LC"	Restaurant/club
EAST	"C"	Mobile home sales
WEST	"AA"	Single-family