

Werth-More Auto Sales, Inc.

Page 2

January 24, 1996

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4421
FAX (316) 268-4390

Werth-More Auto Sales, Inc.
2013 South Broadway
Wichita, KS 67211

January 24, 1996

**RE: BZA 23-95 - Exception to permit automotive sales in the "LC" Light
Commercial District (7210 E. Kellogg).**

Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on January 23, 1996. 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.

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 call our office.

Sincerely yours,


Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: M & N Investments, 150 North Market, Wichita, KS 67202
East Kellogg Plaza Associates, 1042 E. 7th Street, Brooklyn, NY 11230-6702
Clark R. Nelson, 200 W. Douglas, Suite 600, Wichita, KS 67202
Peter C. Hagan, 310 W. Central, Suite 110, Wichita, KS 67202
Paul Hays, OCI
Randy Sparkman, OCI

9. All automotive service or repair work must be conducted entirely within an enclosed structure.
10. Parking spaces shall be provided for employees and customers as required in the City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14 and 3.17). Specifically, applicable zoning code sections require a minimum of 9 spaces for customers and employees. These parking spaces shall be reserved and labeled for employees and customers, and shall not be used for display or storage of automobiles offered for sale. The customer spaces shall be near the front entrance to the building.
11. The number of cars displayed for sale on this lot at any one time shall not exceed 23 unless a revised application is filed and approved by the Board.
12. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
13. This resolution authorizing car sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 23rd day of January, 1996.



Keith Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 23-95

WHEREAS, M & N Investments, Werth-More Auto Sales, Inc. & East Kellogg Plaza Associates, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit automotive sales on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Rockwood South 1st Addition, Sedgwick County, Kansas.
Generally located 1/8 mile west of Armour Drive on the north side of
Kellogg (7210 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 January 23, 1996, 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 automotive sales on property zoned the "LC" Light Commercial subject to the conditions outlined in Section 28.04.185(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 automotive sales on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Rockwood South 1st Addition, Sedgwick County, Kansas.
Generally located 1/8 mile west of Armour Drive on the north side of
Kellogg (7210 E. Kellogg).

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. All required site improvements, as specified below, shall be completed in a satisfactory manner prior to use of this site for automobile sales, and within one year following approval of the use exception by the Board of Zoning Appeals.
2. Parking spaces shall be striped as indicated on the approved site plan.
3. All vehicle parking, storage, display and circulation areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street on the site to assure that vehicles do not encroach onto public sidewalks or right-of-way. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces adjacent to Kellogg Drive.
5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
6. No sound projecting devices or loudspeakers shall be used so as to be heard out side of the building.
7. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.

6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of the building.
7. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
9. All automotive service or repair work must be conducted entirely within an enclosed structure.
10. Parking spaces shall be provided for employees and customers as required in the City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14 and 3.17). Specifically, applicable zoning code sections require a minimum of 9 spaces for customers and employees. These parking spaces shall be reserved and labeled for employees and customers, and shall not be used for display or storage of automobiles offered for sale. The customer spaces shall be near the front entrance to the building.
11. The number of cars displayed for sale on this lot at any one time shall not exceed 23 unless a revised application is filed and approved by the Board.
12. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
13. This resolution authorizing car sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 23-95

OWNER/APPLICANT: M & N Investments, Werth-More Auto Sales, Inc., & East Kellogg Plaza Associates.

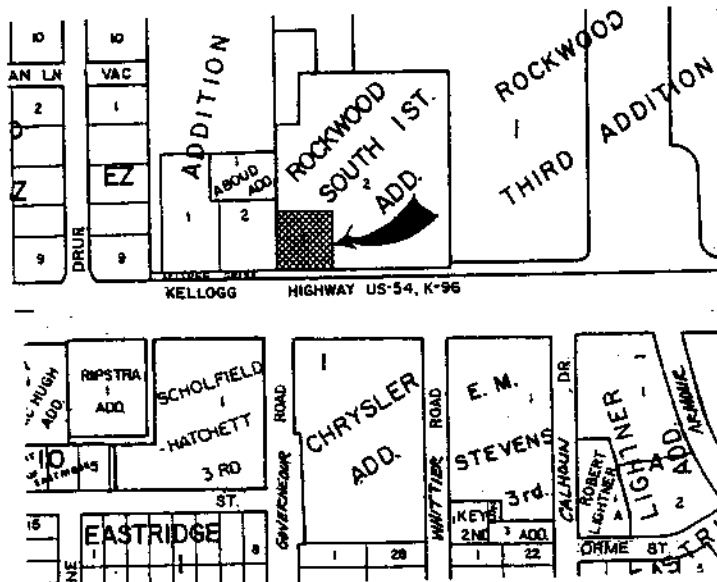
AGENT: Clark R. Nelson and Peter C. Hagan.

REQUEST: Exception to permit automotive sales.

CURRENT ZONING: "LC" Light Commercial District.

SITE SIZE: 0.52 Acres.

LOCATION: 1/8 mile west of Armor Drive on the north side of Kellogg (7210 E. Kellogg).



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 28.04.185.2 can be complied with.

BACKGROUND: The applicants, M & N Investments and East Kellogg Plaza Associates, are requesting an exception to develop a site for automotive sales and service in the "LC" Light Commercial District. The site is located 1/8 mile west of Armor Drive on the north side of Kellogg and is also part of the Kellogg Mall Community Unit Plan (DP#12).

The applicant has requested and has been granted an amendment to DP#12 to allow for automotive sales and services as a permitted use within the applicants ownership (Parcel 9b). Now that the applicant has amended the CUP to allow the use, the existing city zoning code requires that the applicant seek approval of a use exception for automotive sales from the Board of Zoning Appeals for properties located in "LC" zoning.

The subject property is developed with a vacant commercial structure and is surrounded by Safelite Auto Glass and Larry's Piano Bar to the west, a parking lot to the north, Office Depot strip center, and the Rusty Eck automotive sales and service dealership to the east, and the Steven and Scholfield auto dealerships to the south.

The zoning code requires used auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and two spaces per 1,000 square feet of building area. The applicants' site contains a building of 2,073 square feet which will require 5 parking spaces and a lot display area of 20,427 square feet which will require 4 parking spaces for a total parking requirement of 9 spaces. Based on the site plan submitted by the applicants and approved by Traffic Engineering adequate customer and employee parking will be provided.

The building already exists and is not being expanded. Unless improvements on the site exceed 50% of the existing value, compliance with the city's landscape ordinance will not be required.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Parking Lot
SOUTH:	"LC" Auto Dealerships
EAST:	"LC" Commercial Strip Center, Auto Dealership
WEST:	"LC" Commercial Uses

RECOMMENDATION: Planning staff recommends that the exception be approved. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The request is compatible with the surrounding area, which is characterized by automotive dealerships and commercial uses.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Since the proposed use is similar to several other businesses in the area, the request should not detrimentally impact nearby properties.
3. The suitability of the subject property for the requested use, and the appropriateness of the proposed use for the general area: The property is of adequate size to accommodate the proposed use as well as being adjacent to an expressway and the site has been developed with an automotive related activity. Therefore, the site is suitable for the proposed use.
4. Impact of the proposed development on community facilities: Given high traffic volumes that could be generated by the uses that are already permitted on the site (including fast food restaurants, convenience stores, and banks), the proposed use should have a minimal impact upon traffic volumes in the area.

Should the Board determine that an automobile 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. All required site improvements, as specified below, shall be completed in a satisfactory manner prior to use of this site for automobile sales, and within one year following approval of the use exception by the Board of Zoning Appeals.
2. Parking spaces shall be striped as indicated on the approved site plan.
3. All vehicle parking, storage, display and circulation areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street on the site to assure that vehicles do not encroach onto public sidewalks or right-of-way. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces adjacent to Kellogg Drive.
5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.