

BZA 22-90 Secretary's Report  
Page 4

6. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
7. No string banners, flags, balloons, etc. shall be permitted except as provided for in Section 24.04.190(8) of the City Code for temporary special events.
8. Only those signs permitted in the "LC" zoning district shall be permitted on this site.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. The maximum number of vehicles permitted for sale at any one time on this lot shall not exceed twenty.
11. This site shall be developed for a car (and passenger truck and van) sales business in accordance with the site plan approved by the Board and in accordance with all conditions of approval established by the Board within one year after BZA approval, or the resolution shall be considered null and void.

BOARD OF ZONING APPEALS  
WICHITA, KANSAS

AGENDA ITEM NO. 2

December 18, 1990

SECRETARY'S REPORT

CASE NUMBER: BZA 22-90

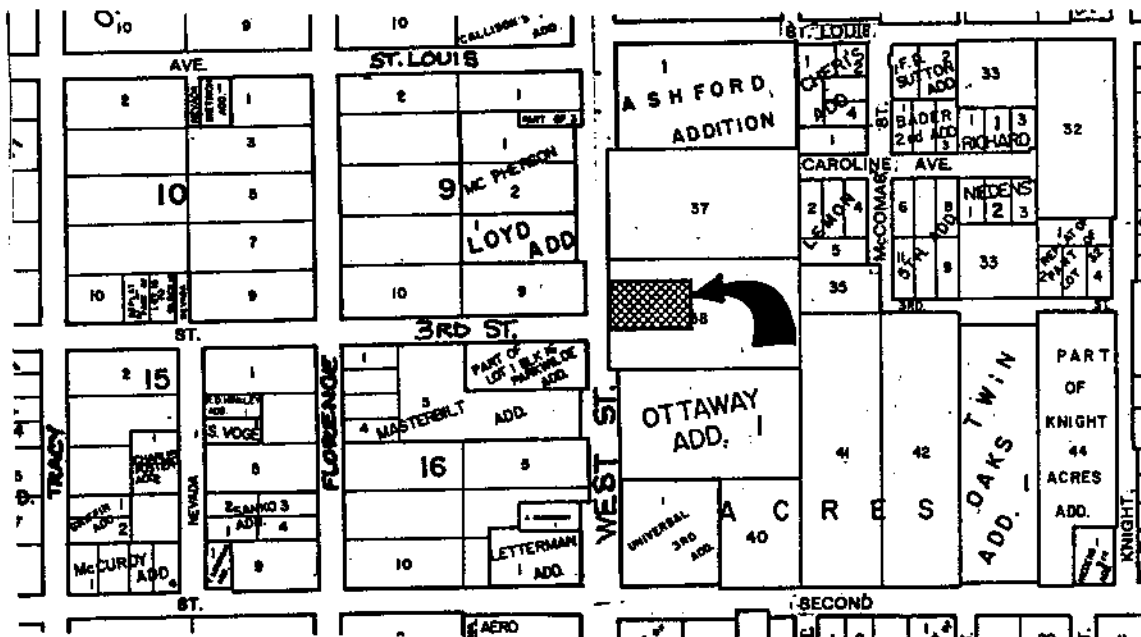
OWNER/APPLICANT/AGENT: Bert Hook (owner)  
Carco Unlimited (applicant)  
Ronald W. Jackson (agent)

REQUEST: Exception to permit a used car sales lot  
(including passenger vans and trucks)

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 100 ft. x 200 ft.

LOCATION: On the east side of West Street in an area  
south of St. Louis Street (400 N. West 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.

**BACKGROUND:** The applicant, Ron Jackson, has leased this 1/2-acre site, with existing 3,360-square-foot building, from Bert Hook for the purpose of operating a used car sales lot. Mr. Hook owns property adjacent to the north, south and east. The west 150 feet of the property is already paved; the east 50 feet is not paved. The site is part of a large lot in Knight Acres which was platted in 1918. Only 30 feet of half-street right-of-way exists for West Street, whereas 50 feet is the present standard for arterial streets. A fifth lane, for left turns in both directions, is proposed in the City Capital Improvement Program. Design is scheduled in 1991, with construction in 1993.

The site plan submitted with the application does not show the additional right-of-way needed for West Street, but indicates that the existing building is 65 feet from the existing right-of-way line. This is sufficient distance to allow for one row of parking, plus circulation aisle in front of the building, even after the dedication of additional right-of-way. It would mean the loss of six potential parking spaces, however. In accordance with existing parking requirements and based on lot area and building size, 19 spaces must be provided and reserved for employees and customers. Any additional spaces which can be provided may be used for display of vehicles which are for sale. The site plan shows a total of 33 spaces, or 27 after dedication of right-of-way. The rear 2/3 of the building has capacity for indoor storage of an additional 8 or 10 vehicles. If the parking requirements are amended in the near future, as expected, the number of spaces which must be reserved for customers and employees would be reduced to approximately 10 spaces. This would allow more spaces to be devoted to sales vehicle display. The amended parking requirements will also require some of those spaces to be signed for "customer parking only" and to be located near the entrance of the business.

Although vehicle sales lots are outdoor commercial businesses and West Street from Douglas to 13th has a policy of favoring "LC" or indoor commercial uses, the small size of this proposed vehicle sales lot does not appear to be out of character with the varied assortment of businesses now in this area, almost all of which have parking lots on their West Street frontage. There are even a number of vehicle-related businesses in this area, ranging from auto accessories to auto glass to car washes and service stations.

A specific condition of allowing vehicle sales in the "LC" district is that no string-type lighting shall be permitted [see 28.04.183(2.4)]. To help maintain the light commercial character of the area, it is recommended that outdoor advertising banners, flags, balloons and other means of attracting attention which are frequently utilized by vehicle sales lots be prohibited. This recommended prohibition is not intended to prohibit temporary (30-day maximum) advertising decoration signs for special events (grand openings, going-out-of-business sales, and sales in conjunction with nationally recognized holidays) as provided for in Section 24.04.190(8) of the City Code.

ADJACENT ZONING AND LAND USE:

|       |      |                       |
|-------|------|-----------------------|
| NORTH | "LC" | Pawn shop             |
| SOUTH | "LC" | Auto accessories shop |
| EAST  | "LC" | Undeveloped           |
| WEST  | "LC" | Commercial uses       |

RECOMMENDATION: Should the Board determine that a car sales lot (including passenger trucks and vans) is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. Within 90 days after approval of this use exception by the Board and prior to release of the resolution, the property owner shall dedicate 20 feet of additional right-of-way for West Street from this application area. Failure to comply with this condition of approval within the time specified shall make this resolution null and void.
2. The automobile sales lot (including passenger trucks and vans) shall not be conducted in conjunction with any use not directly related to such a business. Any automotive repair work shall be conducted entirely within the building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
3. For car sales purposes, this property shall be developed in accordance with the site plan submitted with the application EXCEPT that the west 20 feet shall be labeled as "dedicated for street purposes" and parking shall be permitted within this 20 feet only upon application and approval of a minor street privilege. The balance of the lot shall be striped in accordance with the plan.
4. All outside vehicle storage, display and parking areas shall be paved with concrete, asphalt or asphaltic concrete. Barriers such as curbs, bumper blocks, posts and chains, etc. shall be installed adjacent to street right-of-way to ensure that parked vehicles do not encroach onto public right-of-way and shall also be installed around the perimeter of the property where the site abuts unpaved land to ensure that vehicles do not utilize unpaved areas. All required paving <sup>and barriers</sup> shall be installed prior to commencement and licensing of the vehicle sales business, but in no case later than one year following approval of this use exception by the Board.
5. Parking spaces for employees and customers shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's office. 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.

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1988  
(316) 268-4561

January 30, 1991

Ronald W. Jackson  
4520 Woodlow Drive  
Wichita, KS 67220

Re: BZA 22-90 - Exception to permit a used car sales lot  
(including passenger vans and trucks) at 400 N. West St.

Dear Mr. Jackson:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on January 22, 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.

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: Ernest Hook, 439 Tracy, 67212  
Paul Hays, CID  
Lance Flowers, CID  
Pat Burnett, Deputy City Clerk

5. All lights shall be shielded to reflect or direct light away from adjoining property. No string type lighting shall be permitted.
6. No string banners, advertising flags, advertising balloons, etc. shall be permitted in conjunction with this car sales lot.
7. Only those signs permitted in the "LC" zoning district shall be permitted on this site.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. The maximum number of vehicles permitted for sale at any one time on this lot shall not exceed twenty.
10. This site shall be developed for a car (and passenger truck and van) sales business in accordance with the site plan approved by the Board and in accordance with all conditions of approval established by the Board within one year after BZA approval, or the resolution shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1991.

  
\_\_\_\_\_  
Keith A. Alter, President

ATTEST:

  
\_\_\_\_\_  
Louise Olivarez, Secretary

AMENDED BZA RESOLUTION NO. 22-90

WHEREAS, Carco Unlimited, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a car sales lot (including passenger vans and trucks) on property zoned the "LC" Light Commercial District and legally described as follows:

The south 100 feet of the north 163 feet of the west 200 feet of Lot 38, Knight Acres Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of West Street in an area south of St. Louis Street (400 N. West 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 December 18, 1990, consider and approve said application and did, at the meeting of January 22, 1991, reconsider and rescind their previous requirement for dedication of right-of-way for West Street; 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 car sales lot (including passenger vans and trucks) 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 car sales lot (including passenger vans and trucks) on property zoned the "LC" Light Commercial District and legally described as follows:

The south 100 feet of the north 163 feet of the west 200 feet of Lot 38, Knight Acres Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of West Street in an area south of St. Louis Street (400 N. West Street).

subject to the following conditions:

1. The automobile sales lot (including passenger trucks and vans) shall not be conducted in conjunction with any use not directly related to such a business. Any automotive repair work shall be conducted entirely within the building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
2. For car sales purposes, this property shall be developed in accordance with the site plan submitted with the application and the lot shall be striped in accordance with the plan.
3. All outside vehicle storage, display and parking areas shall be paved with concrete, asphalt or asphaltic concrete. Barriers such as curbs, bumper blocks, posts and chains, etc. shall be installed adjacent to street right-of-way to ensure that parked vehicles do not encroach onto public right-of-way and shall also be installed around the perimeter of the property where the site abuts unpaved land to ensure that vehicles do not utilize unpaved areas. All required paving and barriers shall be installed prior to commencement and licensing of the vehicle sales business, but in no case later than one year following approval of this use exception by the Board.
4. Parking spaces for employees and customers shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's office. 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.

