

8. Off-street drying spaces shall be provided on the property in the following ratio:

Not less than 2 parking spaces for each self-service car-washing stall. Not less than 2 spaces for each automatic car-washing aisle. One (1) off-street parking space shall be provided for each 2 employees.

9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
11. The applicant shall remove all existing structures located within the confines of the application area prior to the occupancy of the property for the proposed car wash.
12. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
13. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed self-service and automatic car wash.

ADOPTED AT WICHITA, KANSAS, this 24th day of January, 1967.

SS/ Kenneth Hartstein
Kenneth Hartstein, Chairman

ATTEST:

SS/ Ronald Williamson
Ronald Williamson
Assistant Secretary

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5. Case No. BZA 38-66 - N. J. Abraham, 1800 East Douglas, Wichita, by Kent Frizzell, 710 Petroleum Bldg., Wichita, pursuant to Section 2.12.590.3, Code of the City of Wichita, requests an exception to permit the installation of a parking lot to display

and sell new and used cars on property zoned "LC" Light Commercial and legally described as follows: Lot 1, Bird Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Woodlawn and Hunter Street.

WILLIAMSON pointed out the area on the map and reviewed the following staff report:

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant this exception providing the conditions outlined under Section 28.04.183.2, Code of the City of Wichita, can be met.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit the installation of a new and used car sales lot on property zoned "LC" Light Commercial. The plot plan as submitted appears to meet the requirements of the ordinance, however, the plan does not show three additional buildings which now exist on subject property and which will need to be removed in order to provide the parking spaces along the west property line and the south property line.

The Engineering Division of the Department of Public Works has indicated that an additional 10 feet of street right of way for Kellogg Drive will need to be dedicated in order to provide ample space for sidewalks, signing, utilities and other public purposes. It should be pointed out that Hampton Road, which is along the west property line, is not open and the applicant should explore the possibility of vacating the street inasmuch as it is of no practical value for the vehicular circulation in the area.

The Board has approved several similar requests in this general area along Kellogg and it is the opinion of the Secretary that the development of a new and used car sales lot at this location would be compatible with the existing uses in the area.

RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the installation of a new and used car sales lot be approved subject to the following conditions:

1. Prior to the signing of the Resolution effectuating the exception, the applicant shall submit a dedication of 10 feet of additional right of way for Kellogg Drive.
2. All buildings shall maintain a minimum 32-foot front setback from Kellogg Drive.
3. A 6-foot high solid wall or fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the south property line and adjacent to the east property line from the south property line north to the existing structure.
4. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or other comparable material.
5. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
6. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.
7. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
8. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
10. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
11. The applicant shall install all improvements required by the Board prior to occupancy of the site for a new and used car sales lot.

No one appeared in opposition.

The applicant's representative, Jim Schmidt appeared and stated that they were in agreement with the conditions except the ten foot additional dedication for Kellogg Drive. He stated that when this

property was platted 10 feet was dedicated off the rear and 20 feet off the front. Kellogg has just been completely reconstructed and there is some right of way adjacent to the access road that is not being utilized.

MR. SCHMIDT said they made a survey of the area and if this were required throughout, most of the buildings would either be in violation or have to be removed. This request if enforced would allow other businesses in the area to set out 10 feet further than they would be allowed to. He indicated that if in the future the area was needed, they would give the dedication, but not now.

WILLIAMSON asked about a contingent dedication where they would be able to use the area until such time as it is needed.

Discussion followed during which it was brought out that the frontage road had just been completed in the last two months. HARTSTEIN asked the applicant again about the contingent dedication. WILLIAMSON stated that recently a car wash in the vicinity had complied with the requirement and the Board required a contingent dedication. WILLIAMSON also explained the present policy as to dedications on Kellogg.

KRATZER asked why the property to the west did not have to dedicate this extra 10 feet when a similar exception was started in 1962. WILLIAMSON explained the changes in roads and standards since that time.

MOTION: PELTZER moved, KRATZER seconded and it carried unanimously that the exception to permit the installation of a parking lot to display and sell new and used cars in an "LC" Light Commercial zone be approved without the dedication but subject to conditions, as shown in the following Resolution:

RESOLUTION NO. BZA 38-66

WHEREAS, N. J. Abraham, 1800 East Douglas, Wichita, by Kent Frizzell, 701 Petroleum Building, Wichita, requests an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation of a parking lot to display and sell new and used cars on property zoned "LC" Light Commercial, and legally described as follows:

Lot 1, Bird Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg in an area between Woodlawn and Hunter 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 January 24, 1967, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit a new and used car sales lot to be located in "LC" Light Commercial zoning subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for the installation of a new and used car sales lot on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Bird Addition to the City of Wichita,
Sedgwick County, Kansas. Generally located
on the south side of Kellogg in an area be-
tween Woodlawn and Hunter Street,

subject to the following conditions:

1. All buildings shall maintain a minimum 32-foot front setback from Kellogg Drive.
2. A 6-foot high solid wall or fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the south property line and adjacent to the east property line from the south property line north to the existing structure.
3. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or other comparable material.
4. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
5. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.

6. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
8. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
9. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
10. The applicant shall install all improvements required by the Board prior to occupancy of the site for a new and used car sales lot.

APPROVED AT WICHITA, KANSAS, this 24th day of January, 1967.

SS/ Kenneth Hartstein

Kenneth Hartstein, Chairman

ATTEST:

SS/ Ronald A. Williamson

Ronald A. Williamson
Assistant Secretary

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6. Case No. BZA 39-66 - L. S. Richardson, 3819 East Pawnee, Wichita, pursuant to Section 2.12.590.3, Code of the City of Wichita, requests an exception to permit the installation or construction of a new and used car lot on property zoned "LC" Light Commercial and legally described as Lots 52-53 and 54, Block C, in Planeview Subdivision No. 2, being a subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian, in Sedgwick County, Kansas. Generally located on the east side of Hillside in an area between Ross Parkway and 31st Street South.

WILLIAMSON pointed out the area on the map and reviewed the following staff report:

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of