

5. Case No. BZA 28-72 - Quality Marine Service, Inc., 3227 South Oliver, Wichita, Kansas, 67210, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the installation or construction of a sales lot for boats and associated marine equipment, on property zoned "LC" Light Commercial, and legally described as the North 300 feet of Lot 2, Replat of Blocks I and J, Washington Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the East side of Oliver, in an area North of New Jersey Drive.

GALBRAITH pointed out the area on the map and reviewed the following report of the Secretary:

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under 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, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to the Zoning Ordinance to permit the establishment of a boat and associated marine equipment sales lot on property zoned "LC" Light Commercial and located on the East side of Oliver in an area North of New Jersey Drive.

On March 4, 1965, the Planning Commission considered a request for a change of zoning (Z-0631), from "LC" Light Commercial to "B" Multiple Family for the land adjacent to the North and East of the area contained in this request. The applicant at that time, stated that the property was going to be developed for apartments and that the property was unusable for commercial use. Action of the Planning Commission was to recommend that the application be approved. This recommendation was concurred in by the City Commission.

Boat and marine sales lots are highway oriented uses and usually other similar uses, such as mobile home sales, new and used car sales and other uses of a heavier commercial nature congregate in the same area. Basically, the majority of these uses are located on North and South Broadway and East and West Kellogg, which are two of the major highways in the City.

The Board may grant exceptions in the "LC" Light Commercial district to permit the establishment of boat and marine sales lots, subject to conditions and requirements outlined in the Zoning Ordinance. The primary purpose for this is that boat and marine sales lots are not appropriate in every light commercial area and it is to be the decision of the Board as to where the proper locations should be. If it were felt that these boat and marine sales lots were appropriate in all "LC" areas, then the use would be permitted outright without Board of Zoning Appeals approval.

RECOMMENDATION:

In the event the Board determines that this is a logical and proper use for the area and recommends approval of the application, it is the recommendation of the Secretary that it be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or over-hanging of vehicles, boats or marine equipment beyond property lines. All parking areas shall have adequate markings for channelization and movement of vehicles.
7. No repair work shall be done except within an enclosed building.
8. The applicant shall install all of the required improvements prior to the occupancy of the site for a boat and associated marine equipment sales lot.

GALBRAITH pointed out that although a solid screening fence would normally be required adjacent to the east property line, he would recommend a waiver of this requirement in this instance inasmuch as an existing lake would provide a natural buffer for any future residential development to the east.

ROBERT BRANSON, agent for the applicant, agreed to the 8 conditions set forth in the Secretary's Report.

No one appeared in opposition.

MOTION: DOKE moved, KAMEN seconded and it carried unanimously that this exception be approved subject to the conditions as shown by the adoption of the following resolution:

RESOLUTION NO. BZA 28-72

WHEREAS, Quality Marine Service, Inc., 3227 South Oliver, Wichita, Kansas, 67210, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation or construction of a sales lot for boats and associated marine equipment, on property zoned "LC" Light Commercial, and legally described as follows:

The North 300 feet of Lot 2, Replat of Blocks I and J, Washington Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the East side of Oliver in an area North of New Jersey Drive.

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 October 24, 1972, 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 the installation or construction of a sales lot for boats and associated marine equipment, on property zoned "LC" Light Commercial, 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 the installation or construction of a sales lot for boats and associated marine equipment, on property zoned "LC" Light Commercial and legally described as follows:

The North 300 feet of Lot 2, Replat of Blocks I and J, Washington Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the East side of Oliver in an area North of New Jersey Drive.

subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
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8. The applicant shall install all of the required improvements prior to the occupancy of the site for a boat and associated marine equipment sales lot.

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ADOPTED AT WICHITA, KANSAS, this 24th day of October, 1972.

S/S Kenneth M. Cusick, Jr.
Kenneth M. Cusick, Jr.
Chairman

ATTEST:

S/S Jack H. Galbraith
Jack H. Galbraith
Secretary

The meeting adjourned at 1:50 p.m. on motion made and seconded.

Jack H. Galbraith
Secretary