

6. Only those signs as permitted in the "LC" zoning district shall be permitted on this site.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. A 6 to 8 foot solid fence or wall shall be maintained in good condition adjacent to the south property line. The fence or wall shall be reduced to 3 feet in height within the east and the west 20 feet of the site. Since no 3-foot fence currently exists within the east 20 feet of the south line of this site, one shall be installed within 90 days after approval of this application.
9. Parking barriers to prevent the encroachment of cars onto sidewalks and other public right-of-way shall be installed and properly maintained at all locations indicated on the approved site plan.
10. Conversion of the 6-bay car wash structure into an enclosed storage building with only one wash bay shall be completed within 90 days after approval of this application.
11. Grades and drains shall be maintained on the property satisfactory to the Superintendent of Sewer Maintenance to direct the wash water in the car bay to a mud trap and sanitary sewer, and to prevent the intrusion of storm water runoff into the sanitary sewer. The car wash bay shall remain roofed to prevent storm water infiltration into the sewer.
12. All requirements as set forth in this resolution shall be complied with within 90 days after approval by the Board or the resolution shall become null and void.
13. Release of this resolution shall make null and void BZA 25-80 and BZA 11-85.

SECRETARY'S REPORT

CASE NUMBER: BZA 6-88

OWNER/APPLICANT/AGENT: Eddy's Toyota of Wichita, Inc. (owner)
Everett C. Fettis (attorney)

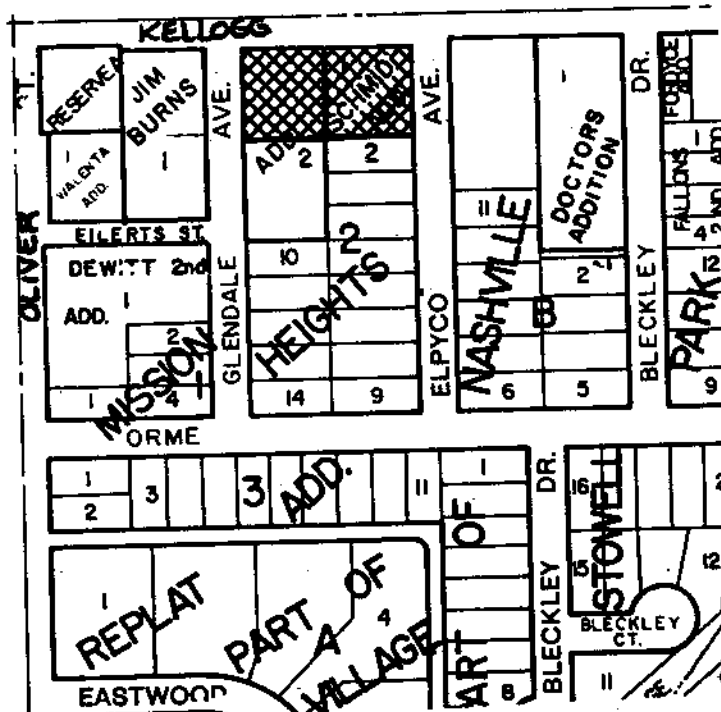
REQUEST: Exception to permit the establishment of new and used car sales.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 271 feet by 140 feet (0.9 acre)

LOCATION: On the south side of Kellogg, between Glendale and Elpyco (4901 & 4925 E. Kellogg).

PROPOSED USE: Auto Sales



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 can be complied with.

BACKGROUND: The applicant is once again requesting an exception to permit the establishment of new and used car sales on a 0.9-acre platted site located on the south side of Kellogg, between Glendale and Elpyco. The east half of the site was previously approved for a car lot under BZA 11-85. The west half was approved for a self-service car wash under BZA 25-80. Last fall the applicant filed a request (BZA 42-87) to expand the car sales business to the west, saying the car wash facilities were to be removed. That application was approved October 27, 1987, subject to removal of the car wash facilities within 90 days or the application would be considered denied and closed. At that time, the car wash facility was no longer in public use and cars were being displayed on the west lot in violation of the "LC" district regulations. Before conclusion of the 90-day period, the applicant decided he did not want to remove the car wash facilities, but instead desired to remodel the structure to provide for storage and also to keep one car wash bay for his business use in preparing cars for sale. Case file BZA 42-87 was declared "denied and closed" at the end of the 90-day period.

The site plan submitted with this revised application shows one of the center wash bays remaining and the balance of the structure being converted to storage areas. Because of the patron parking spaces shown adjacent to the north side of the structure, it is assumed that the entire north side of the structure will be closed and the ingress and egress to the wash bay will be on the south.

ADJACENT ZONING AND LAND USE:

NORTH	LC	Proposed Strip Commercial
SOUTH	LC & RB	One- and Two-Family Dwellings
EAST	LC	Restaurant
WEST	LC	Four-Family Dwellings

RECOMMENDATION: Should the Board determine that car sales is an appropriate use for this property, then it is recommended that the exception be approved subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The car wash bay which is to remain on site shall be used for dealer preparation of automobiles for sale and shall not be for general public use.
2. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineer's Office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
5. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

April 4, 1988

Everett C. Fettis
120 S. Market
Suite 504
Wichita, KS 67202

Re: BZA 6-88 - Exception for new and used car sales

Dear Mr. Fettis:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1988. This Resolution reflects the official action of the Board to approve 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,

Jack H. Galbraith
Jack H. Galbraith
Secretary

JHG/jcm
Enclosure

cc: Eddy's Toyota of Wichita, Inc., c/o Harold Johnson, 6631 E. Kellogg,
Wichita, KS 67207
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator
Dale Rea, Deputy City Clerk

FILE COPY

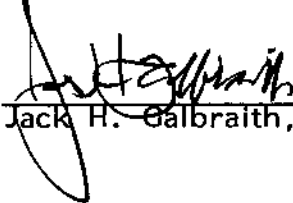
8. A 6- to 8-foot solid fence or wall shall be maintained in good condition adjacent to the south property line. The fence or wall shall be reduced to 3 feet in height within the east and the west 20 feet of the site. Since no 3-foot fence currently exists within the east 20 feet of the south line of this site, one shall be installed within 90 days after approval of this application.
9. Parking barriers to prevent the encroachment of cars onto sidewalks and other public right-of-way shall be installed and properly maintained at all locations indicated on the approved site plan.
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11. Grades and drains shall be maintained on the property satisfactory to the Superintendent of Sewer Maintenance to direct the wash water in the car bay to a mud trap and sanitary sewer, and to prevent the intrusion of storm water runoff into the sanitary sewer. The car wash bay shall remain roofed to prevent storm water infiltration into the sewer.
12. All requirements as set forth in this resolution shall be complied with within 90 days after approval by the Board or the resolution shall become null and void.
13. Release of this resolution shall make null and void BZA 25-80 and BZA 11-85.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1988.



Danny E. Jenkins, President

ATTEST:



Jack H. Galbraith, Secretary

RESOLUTION NO. BZA 6-88

WHEREAS, Eddy's Toyota of Wichita, Inc., 6631 E. Kellogg, Kansas, 67207, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

North 138 feet of Lot 2, Jim Burns Addition and Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 and 4925 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 March 22, 1988, 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 establishment of new and used car sales 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 the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

North 138 feet of Lot 2, Jim Burns Addition and Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 and 4925 E. Kellogg).

subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The car wash bay which is to remain on site shall be used for dealer preparation of automobiles for sale and shall not be for general public use.
2. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site, unless "C" zoning is obtained.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property, as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineer's Office. Parking spaces shall be marked and designated for customers/employees and not used for display and storage of company vehicles. As long as the building at 4901 E. Kellogg is vacant or is used for storage and one-car wash bay, it need not be included in the calculations of floor area for figuring the parking requirements.
5. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
6. Only those signs as permitted in the "LC" zoning district shall be permitted on this site.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.