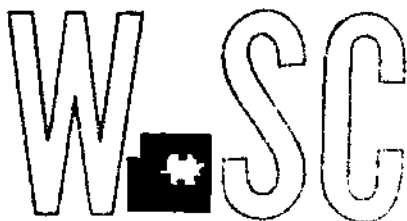


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

May 24, 1989

Pat Higgins, Vice President
Branson & Associates, Inc.
435 N. Broadway
Wichita, KS 67202

Re: BZA 10-89 - Revised legal description and site plan for car sales lot at 3046 E. 31st St. So. (3040 E. 31st St. So. has been deleted).

Dear Mr. Higgins:

The Board of Zoning Appeals at their regular meeting on May 23, 1989, considered the revised site plan and revised legal description for Pat Kelley's car sales lot at 3046 E. 31st Street South. The Board approved the revisions subject to the previous conditions, except the reference to car detailing and except the time limit for development of the site, which was reduced from twelve months to six months. Enclosed is a copy of the revised resolution which lists the revised conditions of approval. The new resolution and the new site plan (copies to Robson and Donnelly) supersede the resolution and site plan approved and distributed after the March BZA meeting.

As brought out by one of the Board members, please be aware and remember that the area now excluded from the application is not approved for use as part of the car sales operation. If you or anyone receiving a copy of this letter have questions about this revised use exception, please call.

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

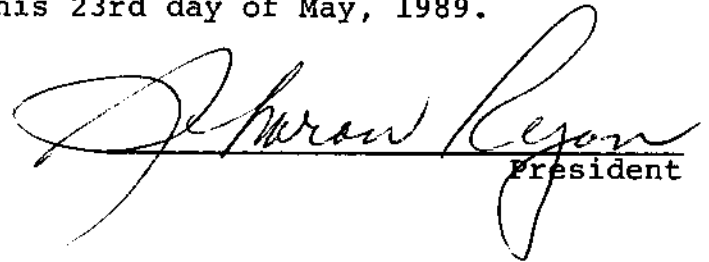
LO:jcm
Enclosures

FILE COPY

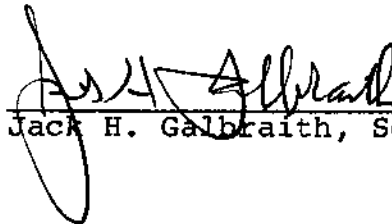
cc: Pat Kelley, 5809 E. Callen, 67208
Farmers & Merchants State Bank, ATTN: R.N. Kohler, Pres.,
330 E. Madison, Derby, KS, 67037
Felt/Kingdom Associates, 221 S. Broadway, Suite 312, 67202
Monty Robson, Superintendent, CID
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

7. Bumper blocks or curbs shall be installed along the street frontage to prevent cars from encroaching 31st Street right-of-way.
8. An 8-foot solid screening fence of wood or masonry shall be constructed along the north property line prior to commencing use of this property for a car sales lot and the fence shall be maintained in good repair at all times.
9. Prior to use of this property for a car sales lot and in no case later than 6 months after approval by the Board, all conditions of this resolution and those of Section 28.04.183.2 of the Zoning Ordinance shall be complied with, or the resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of May, 1989.


President

ATTEST:


Jack H. Galbraith, Secretary

REVISED BZA RESOLUTION NO. 10-89

WHEREAS, Farmers & Merchants State Bank, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 9, except the south 10 feet for street, and except the north 164 feet of the south 207 feet of the west half of the remainder thereof, Edminster Gardens, Wichita, Kansas. Generally located on the north side of 31st Street South in an area west of Hillside (3046 E. 31st St. South).

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 meetings of March 28, 1989, April 21, 1989, and May 23, 1989, 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 a used car sales lot 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 used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 9, except the south 10 feet for street, and except the north 164 feet of the south 207 feet of the west half of the remainder thereof, Edminster Gardens, Wichita, Kansas. Generally located on the north side of 31st Street South in an area west of Hillside (3046 E. 31st St. South).

subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to a used car sales business.
2. Off-street parking spaces shall be provided on the property, as required by the zoning ordinance (1 space per 250 sq. ft. of building area, plus 1 space per 3,000 sq. ft. of lot area, less building area) and in conformance with the standards established by the Traffic Engineer's office. Sales vehicle display stalls are in addition to the ones required by the ordinance. The required customer/employee parking spaces shall not be used for display or sale of cars.
3. All vehicle parking and display areas shall be paved with concrete, asphalt, or asphaltic concrete and maintained in good repair.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
6. Only those signs as permitted in the "LC" district shall be permitted on this site.

4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
6. Only those signs as permitted in the "LC" district shall be permitted on this site.
7. Bumper blocks or curbs shall be installed along the street frontage to prevent cars from encroaching 31st Street right-of-way.
8. A 6- to 8-foot solid screening fence of wood or masonry shall be constructed along the north property line and shall be maintained in good repair at such time as any non-residential use, including parking, occurs within the north 50 feet of this lot.
9. Prior to use of this property for a car sales lot and in no case later than 12 months after approval by the Board, all conditions of this resolution and those of Section 28.04.183.2 of the Zoning Ordinance shall be complied with, or the resolution shall become null and void.

March 28, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 10-89

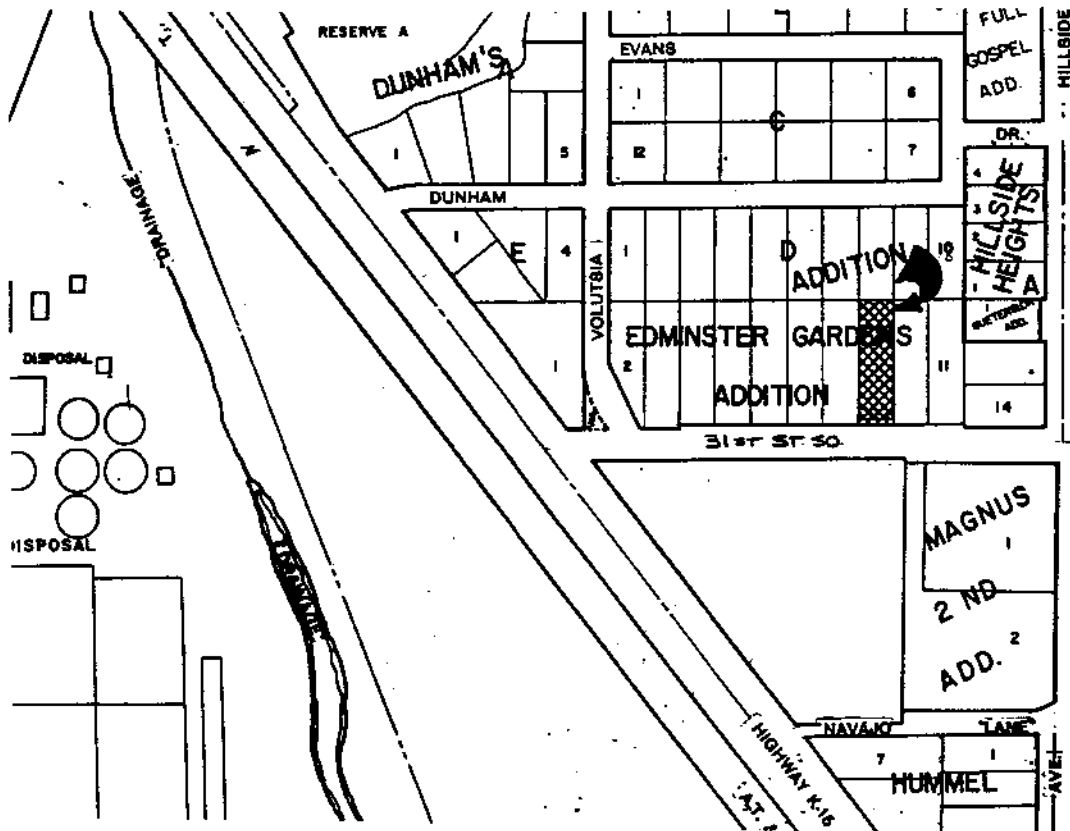
OWNER/APPLICANT/AGENT: Farmers & Merchants State Bank
(owner/applicant)
Patrick J. Higgins (realtor)
Felt/Kingdom Associates (architect)

REQUEST: Exception to permit a used car sales lot.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 90 ft. x 296 ft.

LOCATION: North side of 31st Street South in an area west of Hillside (3040-46 E. 31st St. South).



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 is requesting an exception to permit used car sales on a lot zoned "LC" on which are located two vacant commercial buildings totalling approximately 4,100 sq. ft. In the recent past, the building at 3040 E. 31st has been used as a bicycle shop and an auto repair shop. The building at 3046 E. 31st was most recently a tavern. The site plan shows a display area for only six used cars. The balance of the parking stalls are required for employee and customer parking, based on 1 space per 250 sq. ft. of floor area, plus 1 space per 3,000 sq. ft. of lot area (less floor area). The real estate agent has said that the lessee will have his offices in the 3046 building and will use the 3040 building to prepare the cars for sale (wash, wax, detail, etc.). No auto repair or body work is proposed at this site. There is sufficient area on the north portion of the lot to provide for future expansion, should more display spaces, building area, or employee/customer parking stalls be required.

This property is contiguous to a designated major street, as required by this exception provision of the zoning ordinance. Several uses in the area are vehicle-related and a car sales lot would not be out of character at this location. The 6-foot wood screening fence shown on the site plan along the north property line does not exist, but should be required at such future time as any non-residential use, including parking, occurs within the north 50 feet of this lot.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"LC"	Mobile home park
EAST	"LC"	Strip commercial center
WEST	"LC"	Commercial uses

RECOMMENDATION: Should the Board determine that a used car sales lot is appropriate at this location, 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 a used car sales business. The car washing, detailing, etc. which is proposed to be conducted in the building at 3040 E. 31st Street South shall be for preparation of only the automobiles which are to be sold at this site.
2. Off-street parking spaces shall be provided on the property, as required by the zoning ordinance (1 space per 250 sq. ft. of building area, plus 1 space per 3,000 sq. ft. of lot area, less building area) and in conformance with the standards established by the Traffic Engineer's office. Sales vehicle display stalls are in addition to the ones required by the ordinance. The required customer/employee parking spaces shall not be used for display or sale of cars.
3. All vehicle parking and display areas shall be paved with concrete, asphalt, or asphaltic concrete and maintained in good repair.