

2. All vehicle parking and display areas shall be paved with concrete, asphalt, or asphaltic concrete and maintained in good condition.
3. Based on the size of the lot and the size of the building, twelve parking spaces are required for customers and employees. These spaces shall not be used for the parking of vehicles which are for sale. No more than 32 sales vehicles shall be permitted on this site at any one time, unless additional lot area is paved and a revised site plan is submitted to the Board for review and approval.
4. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site, unless proper zoning is obtained.
5. No business which is not directly related to the sale of automobiles and trucks shall be conducted on this property as long as vehicular sales is a use on this property. I.e., auto engine repair, detailing, etc. may be provided only for the vehicles being prepared for sale and shall not be provided to the general public.
6. Only those signs as permitted in the "LC" district, including off-site billboards where applicable, shall be permitted on this site.
7. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. Trucks for sale at this location shall be limited to those no larger than 3/4-ton manufacturer's rated capacity.
10. Within 30 days following approval of this request by the Board of Zoning Appeals, the applicant shall make application at the City's Central Inspection Office for a change of occupancy permit. All conditions necessary for approval of this change of occupancy, as required by this BZA resolution, the zoning ordinance, or the Uniform Building Code, shall be complied with within 90 days following permit application, or this BZA resolution shall be considered null and void.

AGENDA ITEM NO. 4

April 25, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 13-89

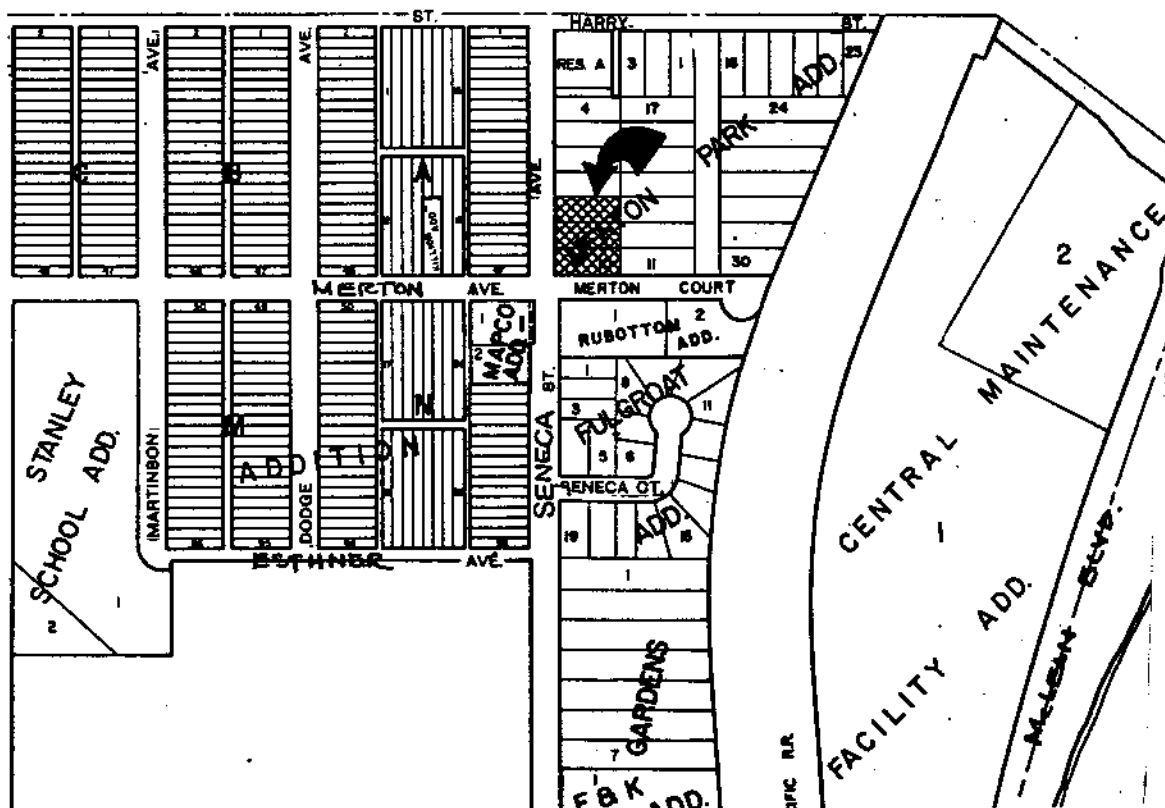
OWNER/APPLICANT/AGENT: Rod Burger (applicant)

REQUEST: Exception to permit an automobile and truck sales business.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 160 ft. x 190 ft.

LOCATION: Northeast corner of Seneca and Merton (1660 S. Seneca).



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: On January 26, 1988, the Board considered a request for an automobile sales business on this property, the site of a former service station and repair garage. Approval was granted subject to a 10-foot contingent street dedication for Seneca and subject to a number of site improvement requirements being made prior to use of the property for automobile sales, but in no event later than January 26, 1989. The contingent dedication was obtained prior to release of the resolution in February 1988. Upon inspection of the site in early January of this year, it was found that the lot had not been striped, nor had bumper blocks been installed, as required by the approved plan, and auto body repair work was being done in violation of both the BZA resolution and the "LC" zoning district regulations. No change of occupancy permit had been requested or granted prior to this use going in in 1988. The business manager (current applicant) was reminded of the BZA requirements. A subsequent inspection occurred in March with the same violations being noted, and the inspector then issued a citation. The land owner and business owner were then notified by mail that BZA Resolution No. 52-87 authorizing auto sales on this property was null and void, due to failure to comply with the conditions within the required time. Auto sales was thus no longer a permitted use on this site. Upon receipt of this letter, the applicant contacted the Planning Department to find out what action needed to be taken in order to continue his auto sales business at this location. He was advised of his options to either seek a zone change to the "C" Commercial District (which is contrary to the adopted zoning policy for this area on South Seneca) or file a new use exception request through the BZA. He chose the latter option.

The layout of the sales lot has changed slightly since last year to provide for more display spaces closer to Seneca. Also, the request is now for automobile and truck sales. Pickups, vans and campers are frequently part of the inventory on this lot, but no large commercial trucks.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Duplexes
SOUTH	"C"	Tire store and auto repair
EAST	"E"	Outdoor equipment storage
WEST	"LC"	Commercial building

RECOMMENDATION: Should the Board determine that a used car and truck sales lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. Within 30 days following approval of this application by the Board of Zoning Appeals, the applicant shall stripe the lot and install parking barriers in accordance with the approved site plan, or this resolution authorizing auto and truck sales shall become null and void.

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

March 5, 1991

Mr. Karl Kraft
Select Auto Plaza
1660 S. Seneca
Wichita, KS 67213

Re: Amended BZA 13-89 - Exception to permit an automobile and
truck sales business at 1660 S. Seneca.

Dear Mr. Kraft:

Enclosed is a signed copy of the above-referenced BZA resolution
adopted by the Board of Zoning Appeals on February 26, 1991.
This resolution reflects the official action of the Board to
approve your revised site plan and sets out the conditions of
approval. It is forwarded to you for your information and files.

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
Lance Flowers, OCI
Pat Burnett, Deputy City Clerk

8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. Trucks for sale at this location shall be limited to those no larger than one-ton manufacturer's rated capacity.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1991.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

AMENDED
BZA RESOLUTION NO. 13-89

WHEREAS, Rod Burger, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit an automobile and truck sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 8, 9 and 10, Merton Park Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Seneca and Merton.

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 April 25, 1989, consider and approve said application; and did, at the meeting of February 26, 1991, review and approve a revised site plan for a new owner, Select Auto Plaza; 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 an automobile and truck sales business 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 an automobile and truck sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 8, 9 and 10, Merton Park Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Seneca and Merton.

subject to the following conditions:

1. Within 60 days following approval of this revised site plan by the Board of Zoning Appeals, the applicant shall restripe the lot and install parking barriers in accordance with the approved revised site plan.
2. All vehicle parking and display areas shall be paved with concrete, asphalt, or asphaltic concrete and maintained in good condition.
3. Based on the size of the lot and the size of the building, 12 parking spaces are required for customers and employees. These spaces shall not be used for the parking of vehicles which are for sale. No more than 41 sales vehicles shall be permitted on this site at any one time, unless additional lot area is paved and a revised site plan is submitted to the Board for review and approval.
4. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site, unless proper zoning is obtained.
5. No business which is not directly related to the sale of automobiles and trucks shall be conducted on this property as long as vehicular sales is a use on this property. I.e., auto engine repair, detailing, etc. may be provided only for the vehicles being prepared for sale and shall not be provided to the general public.
6. Only those signs as permitted in the "LC" district, including off-site billboards where applicable, shall be permitted on this site.
7. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.