

adjacent to Morris and Broadway and along fence on the west and south sides of property.

5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
7. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
9. All automotive service or repair work must be conducted entirely within an enclosed structure.
10. Parking spaces shall be provided for employees and customers as required in City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14). Specifically, applicable zoning code sections require a minimum of 4 spaces for customers and 4 spaces for employees. These parking spaces shall be reserved and labeled for employees and customers, and shall not be used for display or storage of automobiles offered for sale. The customer spaces shall be near the front entrance to the building.
11. Screening on the west and the south sides of the property shall be a 6' - 0" solid wood fence as indicated on the approved site plan with the finished side out on the south side and the finished side in along the west side. The wood screening fence along the south side of the property is not required, but if constructed, it must be reduced to 3 feet in height within east 20 feet.
12. The number of cars displayed for sale on this lot at any one time shall not exceed 39 unless a revised site plan is submitted to the BZA Secretary and the City Traffic Engineer for review and approval. Any site plan change will require restriping of the lot.
13. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
14. This resolution authorizing used car sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS  
WICHITA, KANSAS

AGENDA ITEM NO. 5  
March 22, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 4-94

OWNER/APPLICANT: William and Sarah Cozine

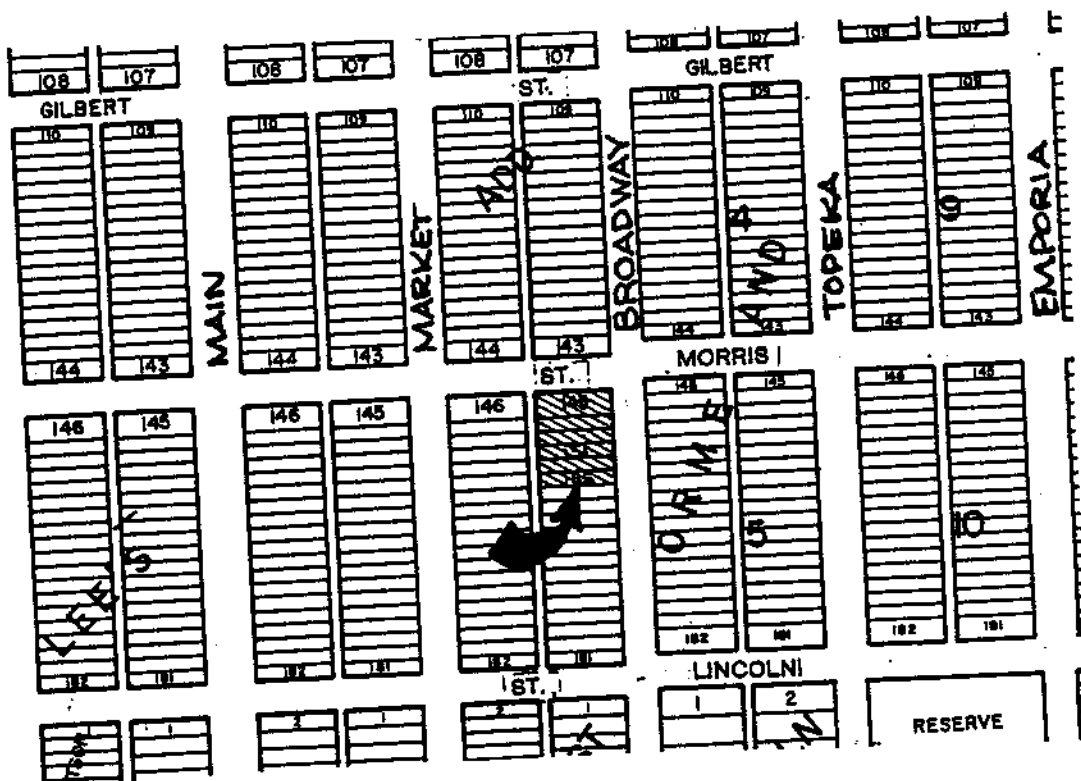
AGENT: David Allen

REQUEST: Exception to permit a used car sales lot.

CURRENT ZONING: "LC" Light Commercial District.

SITE SIZE: 140' x 170'

LOCATION: Southwest corner of Broadway and Morris Street.



**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:** William and Sarah Cozine are the owners of property situated at 1103 S. Broadway. The agent David Allen is leasing the property from the Cozines and is seeking an exception to allow him to sell used cars at this location. The subject property is zoned "LC" Light Commercial, and as such, the business of used car sales is not permitted by right, but is allowed by use exception, per the City of Wichita Zoning Ordinance Section 28.04.183(2).

The area adjacent to the site to the north, east and south is zoned "LC" Light Commercial. The nearest residential property is located adjacent to the west property line of the application area, separated by an alley. There is an existing structure on the site which will be used as a sales office. It is approximately 55 feet long and 30 feet wide.

The applicants are required to provide, at a minimum, four spaces based upon lot area calculations for customer parking only and four spaces for employee parking based upon building area calculations, per the City of Wichita Zoning Ordinance Section 28.04.141(3.14). Based on the site plan (attached) submitted by the applicants and approved by the Traffic Engineer, adequate customer and employee parking will be provided.

**ADJACENT ZONING AND LAND USE:**

|        |      |                             |
|--------|------|-----------------------------|
| NORTH: | "LC" | Retail (Photo Supplies)     |
| SOUTH: | "LC" | Motel                       |
| EAST:  | "LC" | Church                      |
| WEST:  | "B"  | Residential (single family) |

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

1. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals. All required site improvements, as specified below, shall be completed in a satisfactory manor prior to use of this site for used automobile sales, and within one year following approval of the use exception by the Board of Zoning Appeals.
2. Parking spaces shall be striped as indicated on the approved site plan.
3. All vehicle parking, storage, display and circulation areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street and wood fence to assure that vehicles do not encroach onto public sidewalk or right-of-way or damage fence. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421

March 24, 1994

William and Sarah Cozine  
1147 S. Broadway  
Wichita, KS 67211

Re: BZA 4-94 - An exception request to permit a used car sales lot on property zoned "LC" Light Commercial District and generally located on the southwest corner of Broadway and Morris.

Dear Mr. and Mrs. Cozine:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1994. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files. Also enclosed is a copy of the site plan approved by the Board. Please note that the three existing driveways which are not to be utilized in the redevelopment of this site must be removed and the curb replaced before this site can be used for car sales.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,

Louise Olivarez, Secretary  
Board of Zoning Appeals

Enclosure

LO/prf

cc: David Allen, Agent  
Randy Sparkman, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
CAMA files

7. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
9. All automotive service or repair work must be conducted entirely within an enclosed structure.
10. Parking spaces shall be provided for employees and customers as required in City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14). Specifically, applicable zoning code sections require a minimum of 4 spaces for customers and 4 spaces for employees. These parking spaces shall be reserved and labeled for employees and customers, and shall not be used for display or storage of automobiles offered for sale. The customer spaces shall be near the front entrance to the building.
11. Screening on the west and the south sides of the property shall be a 6' - 0" solid wood fence as indicated on the approved site plan with the finished side out on the south side and the finished side in along the west side. The wood screening fence along the south side of the property is not required, but if constructed, it must be reduced to 3 feet in height within east 20 feet.
12. The number of cars displayed for sale on this lot at any one time shall not exceed 39 unless a revised site plan is submitted to the BZA Secretary and the City Traffic Engineer for review and approval. Any site plan change will require restriping of the lot.
13. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
14. This resolution authorizing used car sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 22<sup>nd</sup> day of March 1994.

  
Susan Osborne-Howes, Vice-President

ATTEST:

  
Louise Olivarez, Secretary

## **BZA RESOLUTION NO. 4-94**

**WHEREAS**, William and Sarah Cozine, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit a used car sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 145, 147, 149, 151, 153, and 155 on Lawrence Avenue (now Broadway) in Lee's Addition, Wichita, Sedgwick County Kansas. Generally located southwest corner of Broadway and Morris 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 March 22, 1994, 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:

Lots 145, 147, 149, 151, 153, and 155 on Lawrence Avenue (now Broadway) in Lee's Addition, Wichita, Sedgwick County Kansas. Generally located southwest corner of Broadway and Morris Street.

subject to the following conditions:

1. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals. All required site improvements, as specified below, shall be completed in a satisfactory manner prior to use of this site for used automobile sales, and within one year following approval of the use exception by the Board of Zoning Appeals.
2. Parking spaces shall be striped as indicated on the approved site plan.
3. All vehicle parking, storage, display and circulation areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street and wood fence to assure that vehicles do not encroach onto public sidewalk or right-of-way or damage fence. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces adjacent to Morris and Broadway and along fence on the west and south sides of property.
5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.