

for display and storage of cars which are for sale (except for sales vehicles driven by the employees of this business).

5. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting or banners shall be permitted.
6. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted and no string-type banners or pennants shall be permitted.
7. No sound projecting devices or loudspeakers shall be permitted outside of the buildings.
8. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
9. A solid fence or wall at least six feet in height shall be provided along the north line of this application area. The structural side of a fence shall face south.
10. Parking for early service customers shall be provided for on site and not be permitted spill over onto public streets.
11. No vehicular access shall be allowed to Dubon from the site. A visual barrier (solid fence or wall at least six feet in height) shall be provided along the north 110 feet (n/l) of the west property line and a visual or other barrier (posts and chain, curb, etc.) shall be provided along the balance of the west property line. The structural side of a fence shall face east.
12. This resolution authorizing vehicle 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.

SECRETARY'S REPORT

CASE NUMBER: BZA 37-94

OWNER/APPLICANT: BBR Corp., Owner; Payday Motors, Inc., Contract Purchaser

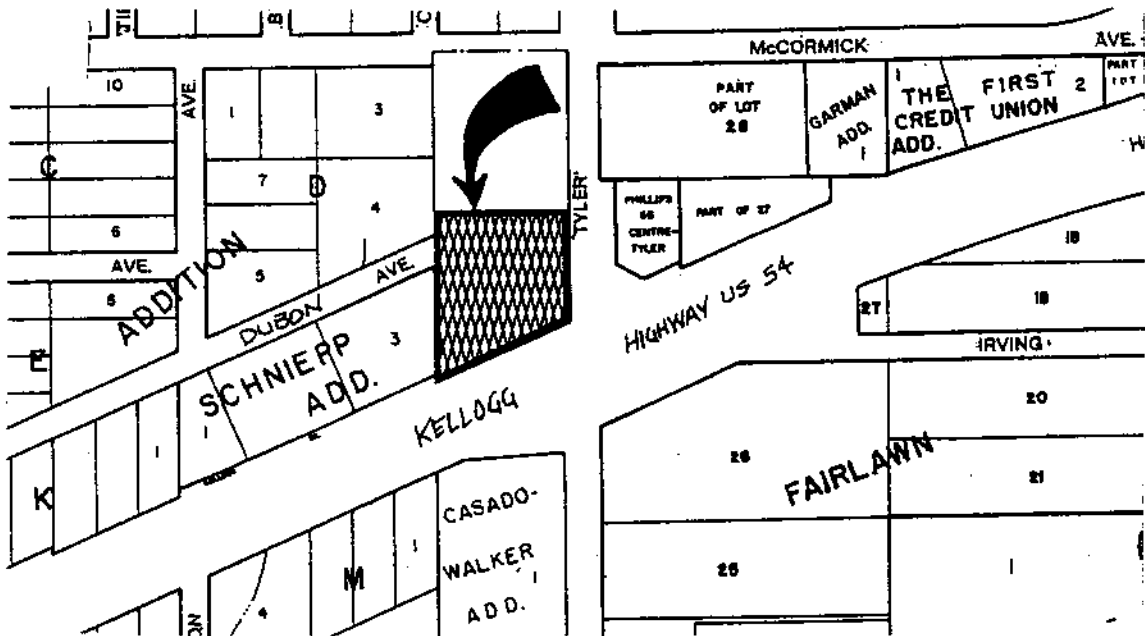
AGENT: Baughman Company, P.A.

REQUEST: Exception to permit new and used car sales and service on property zoned "LC" Light Commercial.

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 1.5 Acres

LOCATION: Northwest corner of Kellogg and Tyler.



**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 application area is located on the northwest corner of Tyler and Kellogg. The owner, BBBR Corporation, and contract purchaser, Payday Motors, Inc., are requesting an exception to develop the site for new and used motor vehicle sales and service. The site currently contains a 7430 square foot structure that will be converted into showroom (3505 square feet), service (2161 square feet) and office (1764 square feet) space. The applicants' site plan indicates that there will be 146 display stalls available for new and used car sales after the required parking spaces are provided for customer, service, and office staff.

Access to the site will be from Tyler Road as well as from Kellogg Drive. Dubon Avenue right-of-way terminates at the northwest corner of the site. No access should be permitted to Dubon from this site because this street leads into a residential area. It will probably be necessary to provide for a turn-about to terminate Dubon at the site. It seems appropriate to provide for a wall or fence along the north 110 feet of the west property line to provide screening. North of the site is a single-family home and on the west side adjacent to the site is a retail establishment and an orchard with the Dubon Avenue right-of-way between the orchard and the retail business. The area to the north of the site is unplatted with about a 50-foot strip of "LC" Light Commercial zoning adjoining the applicants' site along the common property line. The remainder of the tract to the north is zoned "AA" Single-Family and the site is developed with a single-family home. Therefore, it seems appropriate to require screening along the north property line of the site.

The applicant has provided a detailed site and landscape plan to indicate how the site may be developed. Because this property has never been platted, it will be necessary to plat this property before development can occur. During platting, right-of-way, building setbacks, access control, and site grading/drainage issues will be finalized. Until this occurs, it is impossible to state with any certainty the exact site development requirement. Therefore, a site/landscape plan should be developed after the platting process and submitted for review at that time. It should be noted that on the site/landscape plan that was submitted with this request, the landscape calculations are based on the size of the site after all right-of-way is obtained but that the plan shows almost all of the landscaping being provided in the street right-of-way. Some of the right-of-way is being dedicated while the other is being sold to the City. The easement agreement provides for right-of-way access between the site and Kellogg Drive along the west 200 feet of the site. Additionally, access between the site and Tyler Road is limited to the north 90 feet of the site.

The adopted Comprehensive Plan suggests that automotive uses are appropriate on major streets such as Kellogg if other applicable factors are favorable. The factors associated with this site in particular the access to major roads and the adjacent

zoning and land uses, suggest that the proposed use would be appropriate for this area.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"LC	-	Single-Family Home
SOUTH:	"C"	-	Retail Center
EAST:	"LC"	-	Service Station
WEST:	"C" & "LC"	-	Water Service Company and Orchard

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

1. Within one year after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall plat the property and shall develop a site plan and a landscape plan based on the replat of the property which meets all the requirements of the zoning and landscape codes. These site and landscape plans shall be submitted to the Board of Zoning Appeals for review and approval. Additional conditions of site development may be established at that time.
2. All vehicle parking, storage and display area shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers (e.g. curbs, bumper blocks, posts, and chains, etc.) shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not extend beyond the property boundaries.
3. This new and used vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any vehicle service or repair work conducted on the site shall be entirely within the building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
4. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires two employee spaces for each 1,000 square feet of building area and two customer spaces for the first 10,000 square feet of lot area used for storage and display, plus one customer space for each additional 10,000 square feet of lot area used for storage and display. If any of the building is utilized for car repair, the parking calculation is three per 1,000 square feet, plus three spaces. The spaces required for customers and employees shall be identified on the site plan and labeled on the site by small signs or pavement markings and shall not be used

Mr. Mark Brand

Page 2

October 26, 1995

Randy Sparkman, OCI

Paul Hays, OCI

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421  
FAX (316) 268-4390

October 26, 1995

Mr. Mark Brand  
BBBR Corporation  
2418 S. Hoover Rd.  
Wichita, KS 67211

**RE: BZA 37-94 - Exception to permit new and used car sales and service on property zoned "LC" Light Commercial and generally located at the northwest corner of Kellogg and Tyler.**

Dear Mr. Brand:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on December 28, 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 now that the property has been platted and a site plan and landscape plan were developed based on the plat and the Board of Zoning Appeals has reviewed and approved the plans as required by Condition No. 1.

If you have any questions concerning this matter, please call our office.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lawrence P. Mitchell". The signature is fluid and cursive.

Lawrence P. Mitchell  
Assistant Secretary  
Board of Zoning Appeals

hm  
Enclosure

cc: Payday Motors, Inc., 3048 S. Broadway, Wichita, KS 67216  
Phil Meyer, Baughman Co., 315 Ellis, Wichita, KS 67211

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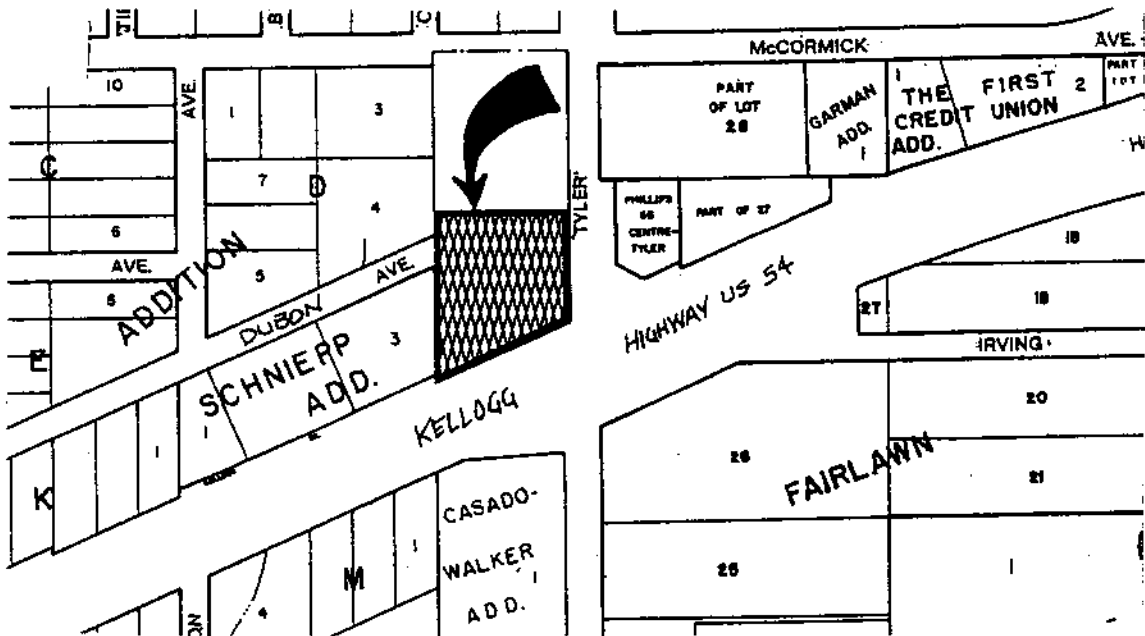
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