

3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of weeds, dust, trash, and other debris.
5. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties.
6. Prior to obtaining a permit to construct the proposed improvements at Village Charters the applicant shall submit an acceptable landscape plan in accordance with the City's landscape code.
7. A six foot high poured concrete wall, as indicated on the site plan submitted with this application, shall be constructed along the west, north, and east side of the property where adjacent to residential zoning.
8. The area shall be paved and striped in accordance with the plan and all required fencing and landscaping shall be completed prior to use of the property for a parking lot but in no case later than one year following approval of this use exception by the Board.
9. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
February 27, 1996

SECRETARY'S REPORT

CASE NUMBER: BZA 1-96

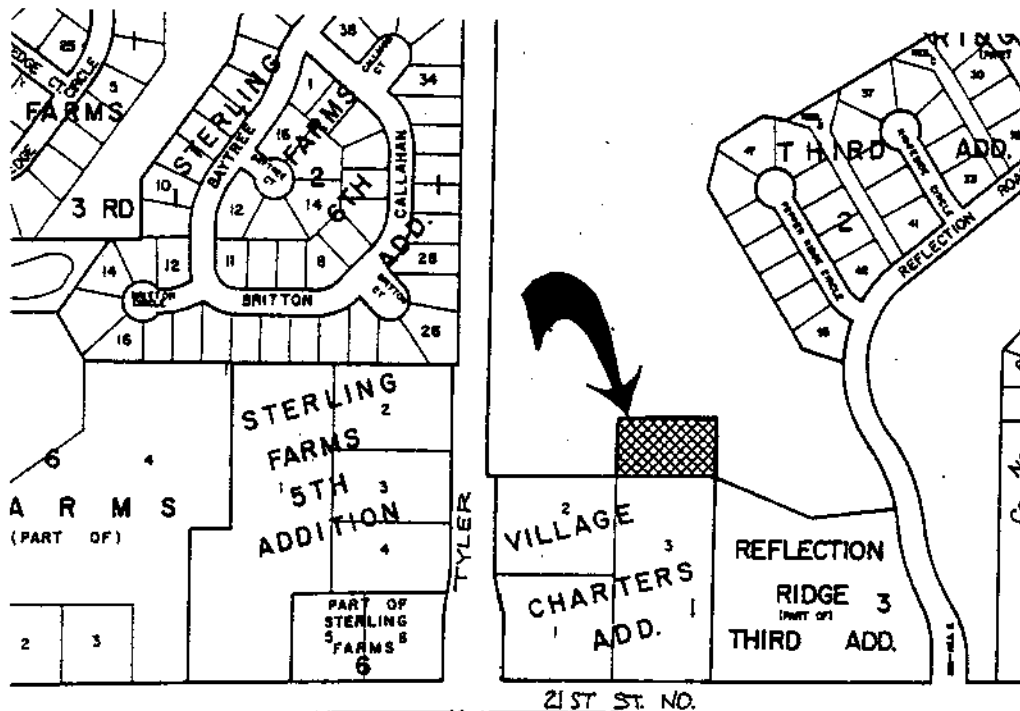
OWNER/APPLICANT: Village Charters, Inc.
AGENT: Rick Marney

REQUEST: Exception to permit an off-street parking lot.

CURRENT ZONING: "AA" One-Family Dwelling.

SITE SIZE: 0.95 Acres.

LOCATION: 600 feet north of 21st Street North and 600 feet east of
Tyler Road (8620 West 21st Street North).



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 28.04.145 can be complied with.

BACKGROUND: The owner, Village Charters, Inc. is requesting an exception to permit off-street parking in the "AA" One-Family Dwelling District. The application site is located contiguous to the north end of the "C" Commercial lot where the applicant's business, Village Charters, is located. It is the applicant's intent to develop a new parking area at the north end of the "C"- zoned lot and extending further north into this "AA" - zoned application area in order to provide additional parking for his business. The new parking area will be accessed from 21st Street North and will be used by clients to park their vehicles while taking bus tours which are provided by the applicant. The applicant is the owner of record of the property currently zoned "AA" and undeveloped to the west of the application area. The property to the north and east of the site which is also zoned "AA" has been developed with a golf course (Reflection Ridge).

The site plan has been reviewed and approved by Traffic Engineering as to parking space and drive layout. The screening provisions of the zoning code will require a solid six to eight-foot fence or wall to be installed along the north, east, and west sides of the property which abuts a residential zoning district.

If the proposed expansion is determined by Central Inspection to be more than 30% of existing floor area or more than 50% of existing value, the entire site will need to comply with all aspects of the City's landscape code. If the expansion is less than 30%/50%, then only the new parking areas will be required to comply. The lesser requirement would mean that a minimum of 4 shade trees along the west, 7 shade trees along the north, and 4 shade trees along the east property lines of the application area must be planted within 15 feet of these property lines. A minimum of 25 feet of permeable ground surface area per tree is recommended. If the applicant prefers to plant these trees outside of the concrete wall on golf course property, with the golf course owner's permission, a landscape code waiver would be granted to allow that. A letter of agreement from the golf course owner and an acceptable agreement as to who will maintain the trees once planted would be required by the City as a condition of granting this landscape waiver. The trees would still be required to be planted as a condition of obtaining an occupancy permit for the proposed improvements. If the Board thinks that additional landscaping is necessary in order for this use to be compatible in this area, a specific requirement should be made as a condition of approval.

ADJACENT ZONING AND LAND USE:

NORTH:	"AA"	Golf Course
SOUTH:	"C"	Transportation Services (Village Charter)
EAST:	"AA"	Golf Course
WEST:	"AA"	Undeveloped Land

Staff Recommendation: Planning staff recommends that the exception be approved.

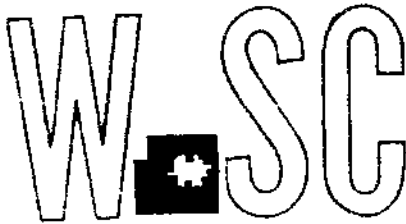
This recommendation is based on the following findings:

1. **The character of the neighborhood:** The general area is characterized by a mixture of retail, medical, and residential uses and developing retail uses. Therefore, the proposed use should not negatively impact the neighborhood.
2. **The zoning and uses of properties nearby:** Properties to the west, north, and east of the site are also zoned "AA" Single-Family Dwelling District. The property to the north and east of the site has been developed with a golf course and the property to the west is undeveloped and is owned by the applicant; therefore, the zoning and the uses of nearby properties are compatible with the proposed use.
3. **The suitability of the subject property for the requested use and the appropriateness of the proposed use for the general area.** The property to be used for the parking area is located behind the buildings on the site and is of adequate size to accommodate the proposed use as well as being adjacent to a 4-lane arterial street. Therefore, the site is suitable for the proposed use.
4. **The extent to which the granting of the exception will detrimentally affect nearby property:** Nearby properties should not be significantly impacted by the proposed use for this property. The screening to be provided on the site in compliance with the zoning and landscape ordinances should be adequate to lessen the impact of the proposed use on nearby properties.
5. **Impact of the proposed development on community facilities:** The proposed use will be located adjacent to an existing 4 lane arterial street and adequate municipal services are available to the site to serve the proposed use.

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

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies, or for the parking or storing of buses.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4421
FAX (316) 268-4390

April 23, 1997

Rick Marney
Village Charters, Inc.
8620 W. 21st St. N.
Wichita, KS 67205

RE: BZA 1-96 - Exception to permit an off-street parking lot in the "AA" One-Family Dwelling District generally located 600 feet north of 21st Street North and 600 feet east of Tyler Road (8620 W. 21st St. N.)

Dear Mr. Marney:

The Wichita Board of Zoning Appeals, during its regular meeting on April 22, 1997, granted the following adjustments to the conditions of Resolution BZA 1-96:

1. The landscaping required by condition #6 shall be installed per the approved landscape plan by January 1, 1998.
2. The flood lights per BZA Secretary's letter dated March 29, 1996, as required by condition #5 does not have to be aimed down (90 degrees) as long as the light from the flood lights are not directed off-site.

If you have any questions concerning this matter please call our office at 268-4421.

Sincerely,

Lawrence P. Mitchell
Secretary
Board of Zoning Appeals

LPM/sh

cc: Marvin Schellenberg, Reflection Ridge, Inc., 7926 W. 21st St. N., Wichita, KS 67212
J.R. Cox, OCI
Paul Hayes, OCI
Ray Sledge, OCI



4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of weeds, dust, trash, and other debris.
5. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties. A lighting plan shall be submitted to the Secretary for review and approval within 30 days following BZA approval of the use exception and prior to release of the resolution authorizing this land use. The plan shall show the location of light fixtures and give detailed photometric information including the type and intensity of the light source, height of light fixtures, type of light shield, and the resulting light spread.
6. Within 30 days following approval by the Board, and prior to release of the resolution authorizing this use exception, the applicant shall submit a landscape plan to the Secretary for review and approval. The plan shall identify proposed plant materials by scientific and common names, quantity, and size at the time of planting. The method of providing water to the plants shall be specified. The plan shall provide for a 20-foot landscaped buffer along the north property line, north of the wall required by item #7 below. This buffer shall provide sufficient vegetation to reasonably protect the residential area to the north on a year around basis from light and sound from the parking lot and view of the parking lot.
7. A six foot high poured concrete wall shall be constructed along the west and east side of the property and 20 feet south of the north property line where adjacent to residential zoning.
8. Within 30 days following approved by the Board, and prior to release of the resolution authorizing this use exception, the applicant shall submit a revised site plan, which shows the six-foot concrete wall being placed twenty feet south of the north property line. The parking lot layout shall also be updated to illustrate the final layout as proposed by the applicant. The area shall be paved and striped in accordance with the plan and all required walls and landscaping shall be completed prior to use of the property for a parking lot but in no case later than one year following approval of this use exception by the Board.
9. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th day of February, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 1-96

WHEREAS, Village Charters, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit an off-street parking lot on property zoned the "AA" One-Family Dwelling District and legally described as follows:

East 250 feet of the following:

Beginning at a point 600.40 feet North and 30 feet East of the Southwest corner of Section 4, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, said point also being on the East line of Tyler Road, thence North parallel to and 30 feet East of the West line of said Section 4 on an assumed bearing of N 00° 00'00" East a distance of 152.90 feet, thence parallel with the South line of said Section 4, bearing North 89° 14' 16" East a distance of 570.00 feet; thence South 0° 00'00" East a distance of 152.90 feet, thence West a distance of 570 feet to the point of beginning. Generally located 600 feet north of 21st Street North and 600 feet east of Tyler Road (8620 West 21st Street North).

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 February 27, 1996, 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 an off-street parking lot on property zoned the "AA" One-Family Dwelling District, subject to the conditions outlined in Section 28.04.145, 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 off-street parking lot on property zoned the "AA" One-Family Dwelling District and legally described as follows:

East 250 feet of the following:

Beginning at a point 600.40 feet North and 30 feet East of the Southwest corner of Section 4, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, said point also being on the East line of Tyler Road, thence North parallel to and 30 feet East of the West line of said Section 4 on an assumed bearing of N 00° 00'00" East a distance of 152.90 feet, thence parallel with the South line of said Section 4, bearing North 89° 14' 16" East a distance of 570.00 feet; thence South 0° 00'00" East a distance of 152.90 feet, thence West a distance of 570 feet to the point of beginning. Generally located 600 feet north of 21st Street North and 600 feet east of Tyler Road (8620 West 21st Street North).

subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies or for the parking or storing of buses.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.

[illegible]

(The wall is another 20 feet beyond where this drawing ends: the north ~~is~~ another 40 feet beyond.) L.O.

BZA 1-96
LIGHTING PLAN

Approved 3/15/96
D.O.

BZA FILE COPY