

BZA 12-90 Staff Report

Page 4

7. Prior to use of this site for a car sales business, the driveway to Kellogg just east of Elpyco shall be removed and the curb reinstalled.
8. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting or banners shall be permitted.
9. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted.
10. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
11. This site shall be developed for a car sales business in accordance with the approved site plan and in accordance with all conditions of approval within one year after BZA approval, or the resolution shall be considered null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3

July 24, 1990

SECRETARY'S REPORT

CASE NUMBER:

BZA 12-90

OWNER/APPLICANT/AGENT:

T.G. Davis, Jr. (owner/applicant)
Baughman Company (agent)

REQUEST:

Exception to permit new and/or used car sales

CURRENT ZONING:

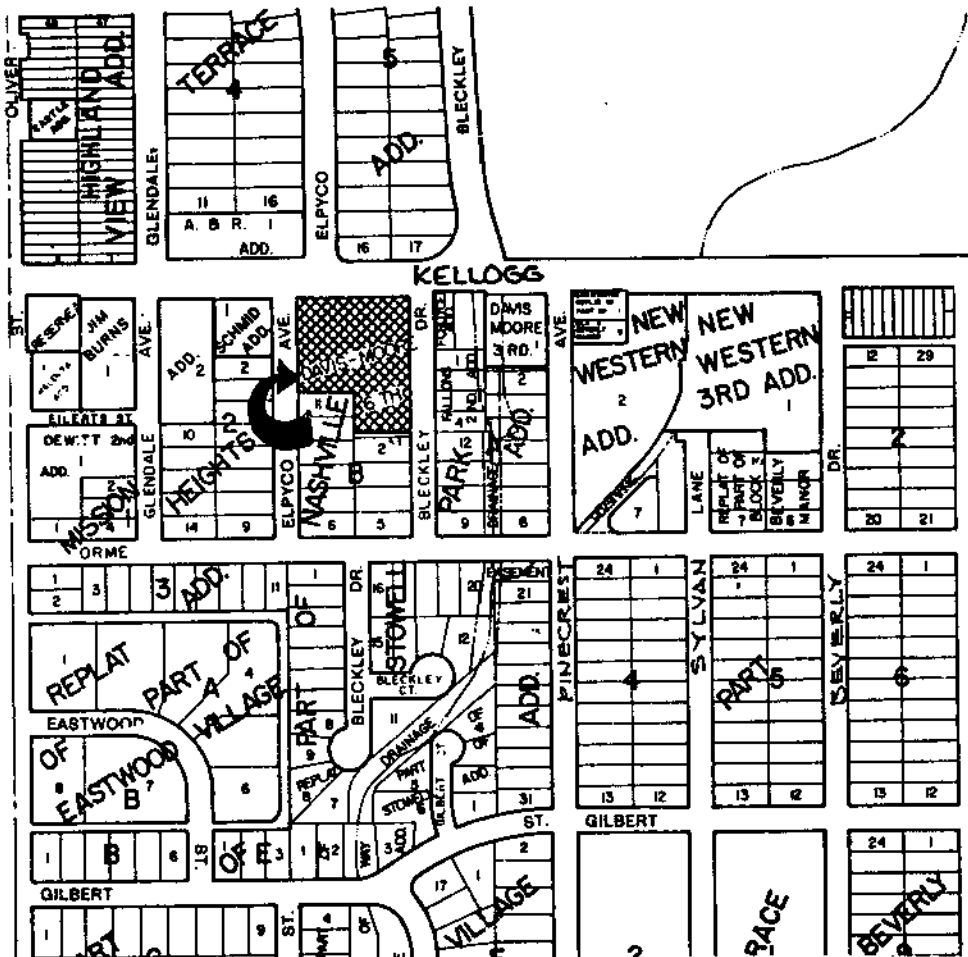
"LC" Light Commercial District

SITE SIZE:

1.75 acres

LOCATION:

South side of Kellogg between Elpyco and
Bleckley



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 new and/or used car sales in "LC" zoning on a 1.75-acre recently replatted lot on the south side of Kellogg between Elpyco and Bleckley. There are 3 existing buildings on the site, 2 of which are to remain and be remodeled for sales offices (restaurant and medical building) and 1 of which is to be removed (candy store). The site plan submitted with the application shows that an additional structure will join the 2 remaining buildings into 1. Under the current parking standards, a total of 70 spaces will need to be provided for employees and customers (1/3,000 sq. ft. lot area + 1/250 sq. ft. building area). Under proposed parking standards, this number would be reduced to 33 (2/1st 10,000 sq. ft. lot area + 1/add'l 10,000 sq. ft. lot area + 1/500 sq. ft. building area). The remainder of the parking spaces on the lot could be devoted to display of cars which are for sale. A total of 148 spaces is shown on the proposed site plan. The applicant will be required to provide parking for employees and customers based on the parking regulations in effect at the time of site development, although future alterations can be made if the regulations change.

A letter of credit was submitted with the recent plat guaranteeing closure of the existing driveway to Kellogg just east of Elpyco. Ten feet of additional right-of-way was dedicated for Kellogg and shall not be utilized as part of this car sales business. Sign posts for the 3 existing (or former) businesses on this site which are within the dedicated right-of-way shall not be utilized for this new business and shall be removed prior to the use of this property for a car sales business.

Single-family homes exist to the south of this property and to the west adjacent to the south 90 feet on Elpyco and to the east adjacent to the south 150 feet on Bleckley. These residential uses need to be protected with screening and landscaping where possible. It is recommended that a 6-foot-tall solid wood fence be installed along the entire south property line from Elpyco to Bleckley, with the height being gradually reduced to 3 feet within the west 20 feet. The 6-foot fence shall continue along Bleckley at the east edge of the paved parking lot until it meets the east-west driveway. This segment of fence shall be gradually reduced to 3 feet in height within the north 20 feet. A minimum of 5 trees shall be planted on Bleckley south of the south driveway and a minimum of 3 street trees shall be planted on Elpyco adjacent to the south 90 feet of this site. The applicant shall submit a landscape plan to the Secretary for review and approval which specifies the name and size of plants to be installed and how they will be watered.

ADJACENT ZONING AND LAND USE:

NORTH	"B" & "LC"	Four-family dwellings
SOUTH	"A" & "RB"	One-family dwellings
EAST	"A", "RB" & "B"	One-family dwellings, parking lot, medical clinic
WEST	"RB" & "LC"	One-family dwellings and car sales lot

RECOMMENDATION: Should the Board determine that a 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 such a business. Any automotive repair work conducted on the site shall be entirely within a building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
2. For car sales purposes, this property shall be developed in accordance with the site plan submitted with this application. All vehicle storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Curbs, bumper blocks, or posts and chains shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
3. Parking spaces for employees and customers shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's Office. These spaces shall be marked and designated for employees and customers and shall not be used for display and storage of cars which are for sale (except for sales cars driven by the employees of this business).
4. A 6-foot-tall wood fence shall be constructed along the entire south property line from Elpyco to Bleckley, with the height being gradually reduced to 3 feet within the west 20 feet. The 6-foot fence shall continue along Bleckley at the east edge of the paved parking lot until it meets the east-west driveway. This segment of fence shall be gradually reduced to 3 feet in height within the north 20 feet. These fences shall be maintained in good repair at all times and replaced or repaired as necessary.
5. Within 90 days following BZA approval and prior to release of the resolution authorizing this use exception, the applicant shall submit 4 copies of a landscape plan to the Secretary for review and approval which specify plant materials for the south 90 feet of the Elpyco frontage (a minimum of 3 street trees) and for the Bleckley frontage south of the southernmost driveway. The Bleckley landscaping shall provide for a minimum of 5 trees and grass and may include shrubs and other groundcovers. The landscape plan shall specify the names of the plant materials, the size at planting, and the method of providing water to the plant materials. All plants shall be installed prior to use of this site for a car sales business.
6. Prior to use of this site for a car sales business, the 3 sets of sign posts existing in Kellogg right-of-way shall be removed.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

October 15, 1990

Mr. T.G. Davis, Jr.
6215 E. Kellogg
Wichita, KS 67218

Re: BZA 12-90 - Exception to permit new and/or used car sales on property zoned the "LC" Light Commercial District, located on the south side of Kellogg between Elpyco and Bleckley.

Dear Mr. Davis:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 24, 1990. 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 condition #5 has been completed.

Before I approved the landscape plan, as identified by the label "Revised 10-10-90 SLM", I changed the location of the three pear trees on Elpyco so that one of them is south of the driveway. The requirement was that at least three trees be placed within the south 90 feet of the property. Of course, additional trees may be planted further north, but they would be across the street from commercial property.

Please note the other conditions of approval, especially #4, #6 and #7, which must be complied with prior to the use of this property for a car sales lot.

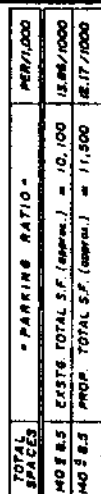
If you have any questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Everett Fettis, 120 S. Market, Ste. 504, 67202
Sam L. Mobley, 420 S. Ridge Road, 67209
Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk



BZA 12-90

Approved Lite Plan

   PARKING LAYOUT DAVIS - MOORE STN ADOB.	BAUGERMAN COMPANY P. A. ENGINEERING & EXCAVATING 24-25-1974, 1st EAB - WORKING 17TH 18-12-74	1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th 101st 102nd 103rd 104th 105th 106th 107th 108th 109th 110th 111st 112nd 113th 114th 115th 116th 117th 118th 119th 120th 121st 122nd 123rd 124th 125th 126th 127th 128th 129th 130th 131st 132nd 133rd 134th 135th 136th 137th 138th 139th 140th 141st 142nd 143rd 144th 145th 146th 147th 148th 149th 150th 151st 152nd 153rd 154th 155th 156th 157th 158th 159th 160th 161st 162nd 163rd 164th 165th 166th 167th 168th 169th 170th 171st 172nd 173rd 174th 175th 176th 177th 178th 179th 180th 181st 182nd 183rd 184th 185th 186th 187th 188th 189th 190th 191st 192nd 193rd 194th 195th 196th 197th 198th 199th 200th 201st 202nd 203rd 204th 205th 206th 207th 208th 209th 210th 211st 212nd 213th 214th 215th 216th 217th 218th 219th 220th 221st 222nd 223rd 224th 225th 226th 227th 228th 229th 230th 231st 232nd 233rd 234th 235th 236th 237th 238th 239th 240th 241st 242nd 243rd 244th 245th 246th 247th 248th 249th 250th 251st 252nd 253rd 254th 255th 256th 257th 258th 259th 260th 261st 262nd 263rd 264th 265th 266th 267th 268th 269th 270th 271st 272nd 273rd 274th 275th 276th 277th 278th 279th 280th 281st 282nd 283rd 284th 285th 286th 287th 288th 289th 290th 291st 292nd 293rd 294th 295th 296th 297th 298th 299th 300th 301st 302nd 303rd 304th 305th 306th 307th 308th 309th 310th 311st 312nd 313th 314th 315th 316th 317th 318th 319th 320th 321st 322nd 323rd 324th 325th 326th 327th 328th 329th 330th 331st 332nd 333rd 334th 335th 336th 337th 338th 339th 340th 341st 342nd 343rd 344th 345th 346th 347th 348th 349th 350th 351st 352nd 353rd 354th 355th 356th 357th 358th 359th 360th 361st 362nd 363rd 364th 365th 366th 367th 368th 369th 370th 371st 372nd 373rd 374th 375th 376th 377th 378th 379th 380th 381st 382nd 383rd 384th 385th 386th 387th 388th 389th 390th 391st 392nd 393rd 394th 395th 396th 397th 398th 399th 400th 401st 402nd 403rd 404th 405th 406th 407th 408th 409th 410th 411st 412nd 413th 414th 415th 416th 417th 418th 419th 420th 421st 422nd 423rd 424th 425th 426th 427th 428th 429th 430th 431st 432nd 433rd 434th 435th 436th 437th 438th 439th 440th 441st
---	---	---

5. Within 90 days following BZA approval and prior to release of the resolution authorizing this use exception, the applicant shall submit 4 copies of a landscape plan to the Secretary for review and approval which specify plant materials for the south 90 feet of the Elpyco frontage (a minimum of 3 street trees) and for the Bleckley frontage south of the southernmost driveway. The Bleckley landscaping shall provide for a minimum of 5 trees and grass and may include shrubs and other groundcovers. The landscape plan shall specify the names of the plant materials, the size at planting, and the method of providing water to the plant materials. All plants shall be installed prior to use of this site for a car sales business.
6. Prior to use of this site for a car sales business, the 3 sets of sign posts existing in Kellogg right-of-way shall be removed.
7. Prior to use of this site for a car sales business, the driveway to Kellogg just east of Elpyco shall be removed and the curb reinstalled.
8. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting or banners shall be permitted.
9. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted.
10. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
11. This site shall be developed for a car sales business in accordance with the approved site plan and in accordance with all conditions of approval within one year after BZA approval, or the resolution shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1990.


Keith Alter, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 12-90

WHEREAS, T.G. Davis, Jr., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit new and/or used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Davis Moore 6th Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Elpyco and Bleckley.

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 July 24, 1990, 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 new and/or used car sales 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 new and/or used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Davis Moore 6th Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Elpyco and Bleckley.

subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive repair work conducted on the site shall be entirely within a building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
2. For car sales purposes, this property shall be developed in accordance with the site plan submitted with this application. All vehicle storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Curbs, bumper blocks, or posts and chains shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected to ensure that parked vehicles do not encroach onto public right-of-way.
3. Parking spaces for employees and customers shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's Office. These spaces shall be marked and designated for employees and customers and shall not be used for display and storage of cars which are for sale (except for sales cars driven by the employees of this business).
4. A 6-foot-tall wood fence shall be constructed along the entire south property line from Elpyco to Bleckley, with the height being gradually reduced to 3 feet within the west 20 feet. The 6-foot fence shall continue along Bleckley at the east edge of the paved parking lot until it meets the east-west driveway. This segment of fence shall be gradually reduced to 3 feet in height within the north 20 feet. These fences shall be maintained in good repair at all times and replaced or repaired as necessary. For all new portions of fence, the support members shall be on the inside.