

6. All conditions of approval by the Board shall be complied with prior to the occupancy of the site for a new and used car sales lot; and

with the understanding that there will be no curb cut to 13th Street at such time as the street is reimproved; and the relocation of the curb cut to Hydraulic Street shall be at the owner's expense.

ADOPTED AT WICHITA, KANSAS, this 24th day of March, 1970.

SS/Norman N. Doke
NORMAN N. DOKE, Chairman

ATTEST:

SS/Jack H. Galbraith
JACK H. GALBRAITH, Secretary

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3. Case No. BZA 5-70 - Ken Madden, 2350 South Hillside, Wichita, Kansas, requests an exception to permit the installation of a U-Haul Rental Equipment operation, pursuant to Section 2.12.590.C, Code of the City of Wichita, on property zoned "LC"-Light Commercial, and legally described as:

The west 110 feet of the South 110 feet of Lot 2, Elmwood Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Hillside and Pawnee Streets.

GALBRAITH pointed out the area on the map and reviewed the following Secretary's Report:

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception providing the conditions set out under Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the installation of U-Haul Rental Equipment on property zoned "LC"-Light Commercial and located on the northeast corner of Pawnee

Hillside. Section 28.04.183.2, of the zoning ordinance permits this type of operation in the "LC" zoning district subject to certain conditions and approval by the Board of Zoning Appeals.

The site is presently occupied by a service station and the approval of the rental operation would create an intermixing of two different commercial businesses on a site adequate in size to accommodate only one use. It should be pointed out that the application area has a 110 foot frontage on both streets whereas most major oil companies have gone to a minimum of 150 foot frontage on their newer station sites. It should also be pointed out that only 50 feet of half-street right-of-way exists on both Pawnee and Hillside, whereas 75 feet is required.

The basic reason for not permitting the outdoor display of rental trucks and trailers as an outright permitted use in the "LC"-Light Commercial district is that this type of use has a cluttered and unsightly appearance and has not proven to be compatible with other uses permitted in the "LC" zone. However, it is the responsibility of the Board to determine which light commercial areas are most suitable for equipment rental operations and to consider each application on its own merit.

It should be pointed out that if this request were approved for this service station, it would encourage additional requests in other "LC" areas most of which are neighborhood or service areas such as this and not appropriate for this heavier type of storage use.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception not be approved inasmuch as equipment rental operations associated with service stations and other permitted "LC" areas are not the type of uses that should be encouraged in neighborhood and service commercial areas and, therefore, should either be in the "C"-Commercial zone or along streets where uses such as mobile home sales, new and used car lots, etc. are an accepted use.

MR. BOB CRAHAN, the U-Haul representative replacing Mr. Bill Lafferty in the Wichita area, introduced himself to the Board and gave his address as 813 South San Pablo.

MR. CRAHAN then stated that no more than 4 small units would be placed on the application site if this exception is approved for that area 15 feet by 40 feet on the northwest side of the application area. He then mentioned a B. F. Goodrich tire store

which has a pleasing outdoor display in the area. MR. CRAHAN pointed out that residences to the north were screened from subject area by a 10 to 12 foot hedge. He then requested on behalf of Mr. Madden, U-Haul Rental Equipment, and himself that this application for an exception be granted.

No one appeared in opposition to this case.

CUSICK then questioned Mr. Kratzer on past experience in similar cases. KRATZER stated that the Board has not always agreed with the Secretary on all cases and that the staff feels this type of use should be restricted to thoroughfares and highways and not in a local neighborhood center. He pointed out that this becomes a question of opinion based on some degree of judgment whether or not such use is harmful to adjacent properties.

DOKE then asked Galbraith if one of the conditions for the approval of this application would be to provide screening although there was already screening provided by the residence's hedges.

GALBRAITH stated that it would be required as in other cases of this type.

DOKE then asked Mr. Crahan if he could meet the conditions of approval. MR. CRAHAN stated that the conditions were satisfactory and again stressed that only 4 units would be displayed on the north edge of the property.

DOKE asked for a motion.

CUSICK recommended that Condition No. 6 in the list of conditions of approval be amended to read "Approval shall be for only four (4) single axle U-Haul trailers...".

MOTION: CUSICK moved, KRATZER seconded and it carried unanimously that this exception be approved subject to the conditions set out in the following Resolution.

RESOLUTION BZA 5-70

WHEREAS, Ken Madden, 2350 South Hillside, Wichita, Kansas, by Bill Lafferty, 3202 Penley Drive, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a U-Haul Rental Equipment operation, on property zoned "LC"-Light Commercial, and legally described as follows:

The west 110 feet of the South 110 feet of Lot 2, Elmwood Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Hillside and Pawnee Streets.

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 24, 1970, 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 the installation of a U-Haul Rental Equipment operation on property zoned "LC"-Light Commercial, 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 the installation of a U-Haul Trailer Rental operation on property zoned "LC"-Light Commercial, and legally described as follows:

The west 110 feet of the South 110 feet of Lot 2, Elmwood Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Hillside and Pawnee Streets.

subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building.
6. Approval shall be for only four (4) U-Haul single axle trailers to be located in that area 15 feet x 40 feet designated on the plot plan submitted with the application as U-Haul Equipment area.
7. A 5 to 8 foot solid wall, constructed of solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar shall be constructed adjacent to the north and east lines of the area designated on the plot plan for the storage of U-Haul equipment.
8. All conditions of approval by the Board shall be complied with within 3 months from the date of approval by the Board or this case shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of March, 1970.

SS/Norman N. Doke
NORMAN N. DOKE, Chairman

ATTEST:

SS/ Jack H. Galbraith
JACK H. GALBRAITH, Secretary

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4. Case No. BZA 6-70 - Lakeview Development Company, Inc., Box 4048, Wichita, Kansas, requests a variance to reduce the required front yard setback from 20 feet to 5 feet for off-street parking purposes only, pursuant to Section 2.12.590.B, Code of the City of Wichita, on property zoned "B"-Multiple Family, and legally described as: