

TILES OR OTHER SIMILAR MATERIAL COMPATIBLE WITH THE RESIDENTIAL DEVELOPMENT TO THE NORTH. CORRUGATED METAL, ETC. SHALL NOT BE ACCEPTABLE. SUCH "SIMILAR MATERIAL" SHALL BE APPROVED BY THE SECRETARY TO THE BOARD PRIOR TO INSTALLATION. A CORPORATE PERFORMANCE BOND IN THE AMOUNT OF \$1,000 OR OTHER SIMILAR SECURITY, SHALL BE FILED WITH THE CITY CLERK TO GUARANTEE THE INSTALLATION OF SUCH FENCE. THE FENCE SHALL BE CONSTRUCTED WITHIN 60 DAYS OR THE APPROVAL SHALL BE CONSIDERED VOID.

7. SUBMISSION OF A PARKING PLAN COMPLETE WITH ADEQUATE MEANS OF INGRESS AND EGRESS SO AS TO PREVENT THE BACKING OF VEHICLES FROM THE PROPERTY ONTO KELLOGG. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 28.04.140.A).

8. ACCESS AND EGRESS TO THE LOT SHALL BE LOCATED AS FAR TO THE EAST AS POSSIBLE TO REDUCE CONFLICTS WITH TRAFFIC MOVEMENTS AT THE INTERSECTION OF HYDRAULIC, GEORGE WASHINGTON BOULEVARD AND KELLOGG.

ADOPTED AT WICHITA, KANSAS, THIS 27TH DAY OF NOVEMBER, 1962.

S/ E. B. LAW
E. B. LAW, CHAIRMAN

ATTEST:

S/ R. A. LAKIN
R. A. LAKIN, SECRETARY

4. BZA-8-62 - DICK PRICE MOTORS, INC., MARKET AND WATERMAN, REQUESTS AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT ON PROPERTY DESCRIBED AS LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN.

ROBERT A. LAKIN, SECRETARY, POINTED OUT THE AREA ON THE LAND USE MAP, ZONING MAP AND AERIAL PHOTO, AND BRIEFLY REVIEWED THE FOLLOWING WRITTEN REPORT:

GENERAL DESCRIPTION:

THIS AREA IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN. THE PROPERTY IN QUESTION IS VACANT.

TO THE NORTH OF SUBJECT PROPERTY IS EASTBOROUGH WITH SINGLE FAMILY DEVELOPMENT AND PARK AREA; TO THE SOUTH ARE MULTIPLE FAMILY DWELLINGS; TO THE EAST IS A LUMBER YARD, LIQUOR STORE, OFFICES, DRIVE-IN RESTAURANT AND SMALL ANIMAL HOSPITAL (NONCONFORMING).

WEST IS BARBER SHOP, FURNITURE SALES, PARKING, ICE DISPENSER, ELECTRICAL EQUIPMENT AND A RESTAURANT.

THE PROPERTY IN QUESTION IS CURRENTLY ZONED "LC" LIGHT COMMERCIAL. THE EXISTING ZONING TO THE NORTH IS UNZONED (EASTBOROUGH); SOUTH IS "B" MULTIPLE FAMILY; EAST IS "LC" LIGHT COMMERCIAL AND "A" TWO FAMILY; WEST IS "LC" LIGHT COMMERCIAL. ATTACHED IS A MAP OF LAND USE AND ZONING.

REQUEST:

THE REQUEST IS FOR AN EXCEPTION TO ALLOW NEW AND USED CAR SALES IN AN "LC" LIGHT COMMERCIAL ZONING DISTRICT AS PROVIDED IN SECTION 28.04.180.A.14 OF THE CITY CODE. THE REQUEST IS WITHIN THE JURISDICTION OF THE BOARD OF ZONING APPEALS TO GRANT, PROVIDED THAT THE FOLLOWING REQUIREMENTS AS SET FORTH IN SECTION 28.04.180.A.14, ARE COMPLIED WITH:

- A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING-TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.
- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT RESTRICTED, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
- H. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

IN ADDITION TO THESE REQUIREMENTS, OFF-STREET PARKING SHOULD BE PROVIDED IN ACCORDANCE WITH SECTION 28 04.140.2.12, WHICH CALLS FOR ONE OFF-STREET PARKING SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

COMMENTS BY THE SECRETARY

IN THE LETTER OF APPLICATION, THE APPLICANT SUBMITTED A LIST OF STATEMENTS AND PROPOSALS IN ANSWER TO THE ABOVE-MENTIONED REQUIREMENTS. THESE ARE QUOTED AS FOLLOWS:

- "A. THIS LOT IS ON THE SOUTH SIDE OF KELLOGG WHICH IS A MAJOR STREET.
- B. THE SOUTH SIDE OF THIS LOT WILL BE SCREENED WITH A REDWOOD OR SIMILAR FENCE.
- C. THE ENTIRE LOT WILL BE SURFACED WITH ASPHALT.
- D. ALL LIGHTS WILL BE DIRECTED TO THE LOT AND AWAY FROM ADJOINING RESIDENTIAL PROPERTY. NO STRING LIGHTS WILL BE USED.
- E. NO LOUD SPEAKER DEVICES WILL BE USED.
- G. 1. WE WILL COMPLY WITH THE PROPER SETBACKS,
2. THE FRONT OF THE LOT WILL BE LANDSCAPED AND THE BACK FENCED OFF WITH REDWOOD FENCING.
- H. NO REPAIR WORK WILL BE DONE EXCEPT IN THE PROVIDED STALLS IN THE BUILDING, AND NO BODY OR FENDER WORK WILL BE DONE."

THE APPLICANT ALSO STATES THAT 16 PARKING SPACES WILL BE PROVIDED, ONE FOR EACH 3,000 SQUARE FEET OF LOT AREA AS PROVIDED IN SECTION 28.04.140.A.2.12.

IT IS RECOMMENDED THAT THE BOARD TAKE JURISDICTION UNDER THE PROVISIONS OF SECTION 28.04.180.A.14 OF THE CITY CODE.

THE PROPOSED PLAN OF DEVELOPMENT SUBMITTED BY THE APPLICANT APPEARS TO SATISFY THE REQUIREMENTS MENTIONED ABOVE. THE APPLICANT HAS INDICATED, HOWEVER, THAT THE PLAN AS SUBMITTED IS NOT FINAL BUT THAT IT WILL BE IN GENERAL ACCORD WITH THE PLAN. IT IS SUGGESTED THAT IF THE APPLICATION IS APPROVED, THE SECRETARY OF THIS BOARD AND THE SUPERINTENDENT OF CENTRAL INSPECTION BE GIVEN THE AUTHORITY TO APPROVE MINOR MODIFICATIONS OF THE PLAN, PROVIDED THAT THE GENERAL INTENT AND PURPOSE OF THE PLAN IS NOT ALTERED. IF ANY MAJOR ALTERATIONS ARE MADE, THE SECRETARY IS OF THE OPINION THAT THE PLAN SHOULD BE RE-SUBMITTED TO THE BOARD OF ZONING APPEALS FOR ITS REAPPROVAL.

APPROVAL OF THIS CASE SHOULD ALSO PROVIDE FOR THE APPROVAL OF A PARKING PLAN FOR OFF-STREET PARKING BY THE TRAFFIC ENGINEER. THE TRAFFIC ENGINEER, AFTER EXAMINATION OF THE PLAN, POINTED OUT THAT THERE WAS INSUFFICIENT INFORMATION SHOWN ON THE PLAN TO ALLOW APPROVAL. SO, THE BOARD MAY EITHER DEFER THIS MATTER TO ALLOW THE APPLICANT TO PREPARE AND SUBMIT SUCH A PLAN, OR THEY MAY

ELECT TO APPROVE THE APPLICATION SUBJECT TO AN OFF-STREET PARKING PLAN BEING SUBMITTED AND APPROVED.

ANOTHER REQUIREMENT THAT SHOULD BE MADE, IN ADDITION TO THOSE MENTIONED ABOVE, IS THAT IT HAS BEEN THE GENERAL POLICY OF THE BOARD OF CITY COMMISSIONERS TO REQUIRE DEDICATIONS FOR SERVICE ROADS ON EAST KELLOGG EAST OF EDMOOR. IN ACCORDANCE WITH THIS POLICY, IT IS THE SECRETARY'S RECOMMENDATION THAT IF THE APPLICATION IS APPROVED, THE APPLICANT BE REQUESTED TO DEDICATE AN ADDITIONAL 10 FEET FOR A SERVICE ROAD ALONG KELLOGG.

A USE OF THIS TYPE SEEMS TO BE COMPATIBLE WITH OTHER COMMERCIAL USES ALONG KELLOGG IN THIS SPECIFIC AREA, PROVIDED ADEQUATE LIGHTING AND SCREENING IS PROVIDED. BASED ON THE FOREGOING REVIEW OF THE CONDITIONS NECESSARY TO BE PRESENT BEFORE APPROVAL MAY BE MADE, IT IS THE RECOMMENDATION OF THE SECRETARY THAT IF THE CONDITIONS ARE MET THAT THE APPLICATION BE GRANTED 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 PROJECTING SIGNS SHALL BE PERMITTED (AS DEFINED IN THE SIGN ORDINANCE).
4. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
5. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.
6. CONSTRUCTION OF THE LOT IN GENERAL CONFORMANCE WITH THE PLOT PLAN ON FILE WITH THE SECRETARY OF THE BOARD OF ZONING APPEALS AND SUPERINTENDENT OF CENTRAL INSPECTION, PROVIDED THAT ANY MAJOR REVISION THEREOF SHALL REQUIRE THE REAPPROVAL OF THE BOARD OF ZONING APPEALS.
7. THE APPLICANT DEDICATE 10 FEET FOR SERVICE ROAD PURPOSES ON THE NORTH.
8. PROVIDING A LOUVERED REDWOOD OR ARCHITECTURAL TILE FENCE ON THE SOUTH TO PROTECT ADJACENT RESIDENCES FROM BLOWING DEBRIS, LIGHT AND SOUND.
9. SUBMISSION OF AN OFF-STREET PARKING PLAN TO THE TRAFFIC ENGINEER FOR HIS APPROVAL.

DICK PRICE STATED THAT HE WAS IN AGREEMENT WITH THE SECRETARY'S REPORT EXCEPT THAT THE 10 FEET FOR A SERVICE ROAD AS SHOWN AS ITEM 7 UNDER THE SECRETARY'S RECOMMENDATION, HAS ALREADY BEEN DEDICATED. GENERAL AGREEMENT HAS BEEN REACHED WITH PAUL GRAVES, TRAFFIC ENGINEER, CONCERNING EXITS AND ENTRANCES AND OFF-STREET PARKING, WHICH IS AS SHOWN ON THE PLOT PLAN SUBMITTED WITH THE APPLICATION.

RICHARD BYRD, PROPERTY OWNER ADJOINING, STATED THAT HE HAS NO OBJECTION TO WHAT IS PROPOSED IN THIS CASE, BUT EXPRESSED CONCERN FOR THE FACT THAT IT WOULD SEEM TO OPEN UP THE AREA FOR OTHER USES WHICH WOULD NOT BE COMPATIBLE WITH EXISTING DEVELOPMENT. HE FELT SOME RESTRICTION SHOULD BE PLACED ON SUCH USES. THE CHAIRMAN POINTED OUT THAT IT IS PROPOSED TO PLACE RESTRICTIONS SO THAT SUCH USE WOULD BE COMPATIBLE TO SURROUNDING PROPERTY USES. IT WAS POINTED OUT ALSO THAT CENTRAL INSPECTION AGENCY ENFORCES REQUIREMENTS ESTABLISHED BY THE BOARD OF ZONING APPEALS IN ANY APPROVAL OF AN APPLICATION.

MOTION: LESTER MOVED, JUMP SECONDED AND IT CARRIED UNANIMOUSLY THAT THE BOARD TAKE JURISDICTION IN THIS CASE.

IN DISCUSSING THE APPLICATION FURTHER, THE CHAIRMAN POINTED OUT THAT IN HIS OPINION PLANTED SCREENING AND REDWOOD SCREENING ARE NOT ADEQUATE. MR. PRICE AGREED THAT A MASONRY OR ARCHITECTURAL TILE SCREENING WOULD BE SATISFACTORY WITH HIM.

MOTION: JUMP MOVED, LESTER SECONDED AND IT CARRIED UNANIMOUSLY THAT THE BOARD APPROVE THIS APPLICATION, AND THAT THE FOLLOWING RESOLUTION BE ADOPTED:

R E S O L U T I O N NO. 8-62

WHEREAS, DICK PRICE MOTORS, INC., MARKET AND WATERMAN, WICHITA, KANSAS, REQUESTS AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT, AS PROVIDED IN SECTION 28.04.180. A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE ABOVE REQUEST APPLIES TO PROPERTY LEGALLY DESCRIBED AS LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION, WICHITA, KANSAS, WHICH IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN; AND

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, IN REGULAR MEETING CONSIDER SAID APPLICATION ON THE 27TH DAY OF NOVEMBER, 1962; AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT IT HAD PROPER JURISDICTION TO CONSIDER SAID REQUEST FOR AN

EXCEPTION UNDER THE PROVISION OF SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT THE LOCATION IS CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO AND THAT THE AREA IS ZONED "LC" LIGHT COMMERCIAL.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THE REQUEST FOR AN EXCEPTION AS DESCRIBED ABOVE FOR PROPERTY DESCRIBED AS LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION IN THE CITY OF WICHITA, KANSAS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN, IS HEREBY APPROVED AND THE SUPERINTENDENT OF CENTRAL INSPECTION IS HEREBY AUTHORIZED TO ISSUE A PERMIT FOR A NEW AND USED CAR SALES AREA SUBJECT TO THE FOLLOWING:

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 "PROJECTING SIGNS" (AS DEFINED IN THE SIGN ORDINANCE OF THE CITY OF WICHITA) SHALL BE PERMITTED.
4. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
5. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.
6. CONSTRUCTION OF THE LOT IN GENERAL CONFORMANCE WITH THE DEVELOPMENT AND PLOT PLAN ON FILE WITH THE SECRETARY OF THE BOARD OF ZONING APPEALS AND SUPERINTENDENT OF CENTRAL INSPECTION, PROVIDED THAT ANY MAJOR REVISION THEREOF SHALL REQUIRE THE REAPPROVAL OF THE BOARD OF ZONING APPEALS.
7. CONSTRUCTION OF A LOUVERED REDWOOD OR ARCHITECTURAL TILE FENCE ON THE SOUTH AND SOUTHEAST (AS SHOWN ON THE DEVELOPMENT PLAN) TO PROTECT ADJACENT RESIDENCES FROM BLOWING DEBRIS, LIGHT AND SOUND. A CORPORATE PERFORMANCE BOND OR OTHER SIMILAR SECURITY IN THE AMOUNT OF \$1,000.00 SHALL BE FILED WITH THE CITY CLERK TO GUARANTEE THE CONSTRUCTION OF SAID FENCE.

8. SUBMISSION OF AN OFF-STREET PARKING PLAN TO THE TRAFFIC ENGINEER. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 28.04.140.A).
9. THIS PERMIT SHALL BE VOID UNLESS CONSTRUCTION SHALL BE COMMENCED WITHIN 6 MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION.

ADOPTED AT WICHITA, KANSAS, THIS 27TH DAY OF NOVEMBER,
1962.

/S E. B. LAW
E. B. LAW, CHAIRMAN.

ATTEST:

/S R. A. LAKIN
R. A. LAKIN, SECRETARY

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5. REPORT FROM THE SECRETARY REGARDING REVISION IN FEE SCHEDULES FOR THE BOARD OF ZONING APPEALS.

THE SECRETARY SUBMITTED A DETAILED ESTIMATE OF COST OF PROCESSING AN APPLICATION BEFORE THE BOARD OF ZONING APPEALS AND SUGGESTED THAT THE BOARD MIGHT WANT TO CONSIDER INCREASING THE FILING FEE FROM \$30 TO AN AMOUNT MORE EQUAL TO THE ACTUAL EXPENSE OF PROCESSING A REQUEST. THE ITEMIZED ESTIMATE INDICATED AN EXPENSE OF \$50.77 FOR EACH APPLICATION.

THE CHAIRMAN POINTED OUT THAT THE PLANNING COMMISSION HAS AMENDED ITS ORDINANCES TO INCREASE FILING FEES TO MORE NEARLY COVER THE ACTUAL COST OF APPLICATIONS.

MOTION: JUMP MOVED, LESTER SECONDED AND IT CARRIED UNANIMOUSLY THAT THE CITY CODE AND ARTICLE III.B.2 OF THE RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS BE AMENDED TO PROVIDE FOR A \$50 FILING FEE INSTEAD OF THE EXISTING \$30 FILING FEE.

6. SUBMISSION OF PROPOSED MEETING AND CLOSING DATES FOR 1963.

IN DISCUSSING THIS SCHEDULE, THE HOUR OF MEETING TIME WAS ALSO CONSIDERED AND THE MEMBERS DECIDED 2 P.M. WOULD BE MORE SATISFACTORY THAN 1:45 P.M. AS NOW SCHEDULED.