

ADOPTED AT WICHITA, KANSAS, this 27th day of April,  
1965.

S/ Harold Bauer  
Harold Bauer, Chairman

ATTEST:

S/ James W. Howe  
James W. Howe, Assistant Secretary

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3. Case No. BZA 11-65 - Sweetbriar Gardens, Inc. requests an exception to permit off-street parking on property zoned "AA" and legally described as follows: Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 7, Benjamin Hills Second Addition. Generally located on the west side of Amidon in an area between Sweetbriar Lane and Marigold Lane.

HOWE pointed out the area on the map and reviewed the following report of the Secretary.

#### JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined in Section 28.04.140.B.1, Code of the City of Wichita.

#### COMMENTS BY THE SECRETARY

This property is presently in the process of being platted as Sweetbriar Addition and a Replat of Part of Benjamin Hills Second Addition. It is the intention of the applicant to develop the property immediately on the south for Sweetbriar Gardens Shopping Center. The applicant has requested that the area included in this application, which is zoned "AA" Single Family, be approved for off-street parking as a special exception provision of the ordinance inasmuch as it was their feeling that better provisions could be made in order to protect the adjacent property owners to the north than the protection which could be given by applying for "BB" Office District zoning, which would permit off-street parking as an outright permitted use.

The plot plan submitted by the applicant appears to meet the recommended standards of the Traffic Engineer for off-street parking. However, a detailed off-street parking plan showing the exact loca-

tion of each parking space and its dimensions will have to be submitted to the Traffic Engineer prior to the time a permit is issued for any construction of the off-street parking lot.

In order to provide adequate protection for the adjoining residential property to the northwest and north, a solid wall of not less than 5 feet nor more than 8 feet in height should be provided adjacent to the northwest and north property lines.

It should be noted that on the plat of Sweetbriar Addition there is a possibility that a fire lane easement will take up part of the parking shown on the plot plan. However, the applicant has indicated that they will have more than adequate off-street parking for the proposed development.

#### RECOMMENDATION

In view of the foregoing comments, it is the recommendation of the Secretary that the exception be approved in order to permit the construction of an off-street parking lot on Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 7, Benjamin Hills Second Addition, subject to the following conditions and requirements:

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 or supplies.
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.
4. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete or asphalt, and shall be maintained in good condition and kept free of all weeds, dust, trash and other debris.
5. All parking spaces abutting property lines shall be required to have bumper guards in order to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
6. All parking areas shall have adequate markings for channelization and movement of vehicles.

7. If lighting facilities are provided, they shall be so arranged as to direct or reflect light away from any adjacent residential properties.
8. Since the "LC" zoned land to the south must come under the Community Unit Plan provisions of the zoning ordinance, a solid or semi-solid wall shall be erected along the north and northwest property lines in order to prevent the passage of debris or light. The wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood, woven wire) at least 5 feet, but not more than 8 feet high. Such wall shall be reduced to 3 feet in height in any required front yard setback area.
9. Low shrubbery and grass not less than 25 feet in width shall be provided along and parallel with the right of way lines of Amidon and Halstead Streets, except for those points of ingress and egress. However, in the event that this property is rezoned to an "LC" classification, this planting area shall not be reduced to a width of less than 10 feet.
10. A plot plan showing points of ingress and egress, width of driveways, internal traffic channelization, width and length and location of off-street parking stalls, etc., shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the parking lot.
11. All the above conditions shall be complied with within 12 months of the effective date of the approval of this application or the permit shall be null and void.

MOORE ARRIVED.

LLOYD WHITNEY, 2418 Marigold, expressed concern for shielding of lights from the residential area. It was his feeling the wall and shrubbery as suggested by the Secretary would not block off the lights. MRS. GEORGE BRATT said that a height of 8 feet sounded better to her for the fence height. DON FRALEY, 2434 Amidon, pointed out that eventually an increase in traffic on Amidon could be expected as the shopping centers at 21st and Amidon develop, and he objected because of the many cars which would be pulling into the parking lot from Amidon.

The Chairman pointed out that it has decreased parking and traffic congestion when off-street parking lots are provided in connection with shopping centers.

ALBERT MURDOCK, 2428 Amidon, expressed concern with respect to screening along Amidon, and felt that the parking facility proposed would certainly not better his property or living conditions for his family. HOWE pointed out that his property is across the street from light commercially zoned property at this time.

JACK HUNT, president of the developers of the Sweetbriar Shopping Center, said that they are endeavoring to provide sufficient area to have an 80-foot service road behind the commercial structures to have room for access and unloading facilities without cluttering up the parking in front of the buildings. With respect to the parking use proposed in this case, MR. HUNT said it is proposed principally for employee parking and too, the fire lane easement granted in the platting of the property does not leave very much of subject property which would be suitable for any other use.

With respect to the fence, MR. HUNT offered no objection to the height suggested, but did indicate they would like to confer with the residents most affected in developing the kind of fence most acceptable. He suggested the possible use of a chainlink fence with colored slats interwoven which he felt would add to the appearance of the development. He also agreed to confer with the residents with respect to the type of shrubbery to be planted.

The Chairman commented that the chainlink fence with colored slats sounded nice but it might be difficult to come to a mutual agreement as to the type of fence and that it might be desirable for the Board to continue with its usual requirement as to the type of fence.

MOTION: HARTSTEIN moved, MOORE seconded and it carried unanimously that the exception be approved as shown by the adoption of the following Resolution.

RESOLUTION NO. BZA 11-65

WHEREAS, Sweetbriar Gardens, Inc., 742 North Waco, Wichita, Kansas, by Madden Scott Towner, Inc., 742 North Waco, Wichita, Kansas, has requested the granting of an Exception, pursuant to Section 28.04.140, Code of the City of Wichita, to

permit the installation and construction of off-street parking facilities in an area zoned "AA" Single Family, and legally described as follows:

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 7, Benjamin Hills Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Amidon in an area between Sweetbriar Lane and Marigold Lane.

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 April 27, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita, Kansas.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the exception requested be approved for the installation and construction of off-street parking facilities on property zoned "AA" Single Family, and legally described as follows:

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 7, Benjamin Hills Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Amidon in an area between Sweetbriar Lane and Marigold Lane,

subject to the following:

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 or supplies.
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.
4. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete or asphalt, and shall

be maintained in good condition and kept free of all weeds, dust, trash and other debris.

5. All parking spaces abutting property lines shall be required to have bumper guards in order to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
6. All parking areas shall have adequate markings for channelization and movement of vehicles.
7. If lighting facilities are provided, they shall be so arranged as to direct or reflect light away from any adjacent residential properties.
8. Since the "LC" zoned land to the south must come under the Community Unit Plan provisions of the Zoning Ordinance, a solid or semi-solid wall shall be erected along the north and northwest property lines in order to prevent the passage of debris or light. The wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire), at least 5 feet, but not more than 8 feet in height. Such wall shall be reduced to 3 feet in height in any required front yard setback area.
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10. A plot plan showing points of ingress and egress, width of driveways, internal traffic channelization, width and length and location of off-street parking stalls, etc., shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the parking lot.
11. All the above conditions shall be complied with within 12 months of the effective date of the approval of this application or the permit shall be null and void.