

use or enjoyment of adjacent property." The ordinance also states: "Outside lights must be made up of a light source and reflector so that, acting together, the light beam is controlled and not directed across a property line."

6. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted and no string-type banners shall be permitted.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. No new building or addition to the existing building shall be constructed closer than 45 feet to the existing south property line.
9. Within 90 days after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall submit a copy of the parking space lease for the (6) six additional off-site spaces required for employee parking and a site plan indicating the location of the spaces in relation to the application area.
10. The number of cars and recreational vehicles displayed for sale on this lot at any one time shall not exceed the display spaces shown on the site plan except two cars may be displayed in one recreation vehicle space unless a revised site plan is submitted to the BZA Secretary and the City Traffic Engineer for review and approval. Any site plan change will require restriping of the lot.
11. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
12. This resolution authorizing used car sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 18-94

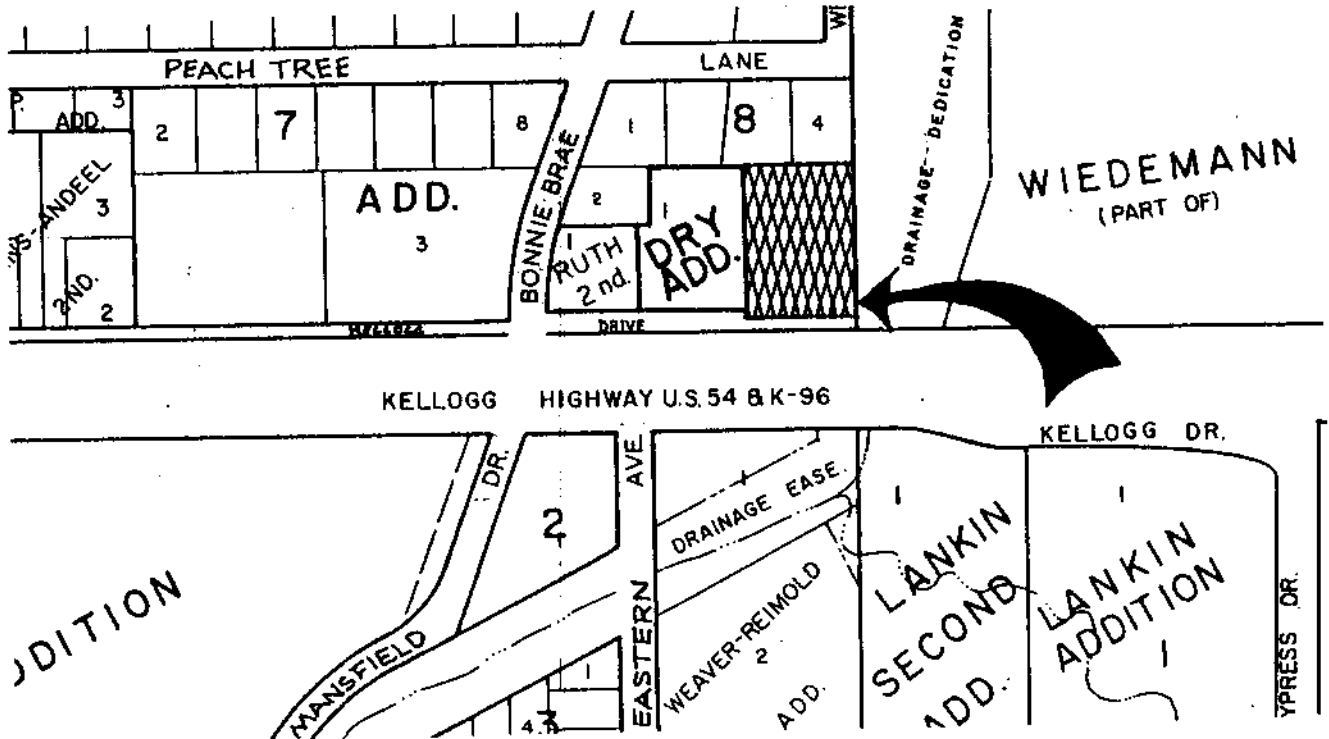
OWNER/APPLICANT: K-DA, Inc.  
AGENT: Everett C. Fettis

REQUEST: Exception to permit modification of an existing car sales exception to include recreational vehicle sales.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 1.03 Acres

LOCATION: North side of Kellogg Drive in an area east of Bonnie Brae.



**JURISDICTION:** The Board has jurisdiction to consider the variance 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 application area is presently being operated as a new and used car sales lot. A use exception, BZA 11-92, was applied for and granted on May 26, 1992 by the Board of Zoning Appeal to permit the new and used car sales on property zoned "LC" light commercial. The applicant now desires to sell new and used recreation vehicles along with the new and used cars on the site. A new site plan has been submitted which integrates the sale of new and used recreational vehicles into the previously approved car sales lot.

Parking spaces have been rearranged to accommodate the larger recreational vehicles (RV). The parking space requirement of the site are determined by use and area. The requirement of employee parking at a new/used car - RV sales lot is based on the square footage of the building and must be provided at the ratio of two spaces per 1,000 square feet, 18 employee parking spaces will be required for this business. It should be noted that the submitted site plan indicates that 12 employee spaces will be provided on site and 6 other spaces will be leased off site on property to the west. The required customer parking spaces are based on area of the lot used for car/RV display and storage and are calculated at two for the first 10,000 square feet, plus one for each additional 10,000 square feet or fraction thereof. These customer parking spaces are required to be near the front door of the sales office building. The site requires 5 customer parking spaces.

The site plan indicates how the site will be restriped to accommodate the RV's. Once the required employee and customer parking is provided there are 43 remaining spaces, 10 for cars and 33 for RV's on the site. The applicant is indicating that RV stalls would also be used for two cars for display purposes. There is also a display area (20' x 27') west of the access drive which could accommodate two cars or one RV. Therefore, the site will have a maximum display space capacity for 12 cars and 33 RV's. If the site were to be used only for cars and double parked in RV spaces the site would accommodate 78 cars. This would exclude employee and customer vehicles being parked on the site.

The landscaping shown on the site plan is adequate to meet the landscape requirements for the site.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"AA" - One-Family Dwelling
SOUTH:	"LC" - Italian Gardens Restaurant and Executive Inn Motel
EAST:	"AA" & "LC" - Drainage ditch and K-Mart
WEST:	"LC" - Steak and Ale Restaurant

**RECOMMENDATION:** Should the Board determine that a new and used car and recreation vehicle sales lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. All vehicle parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers ( e.g., curbs, bumper blocks, posts and chains, etc.) shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not extend beyond the property boundaries.  
Special care should be taken to avoid paving or parking beyond the north property line, which is approximately five feet south of the existing fence.
2. This car and recreational vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive or recreational vehicle service or repair work conducted in conjunction with any use not directly related to such a business. Any automotive or recreational vehicle service or repair work conducted on the site shall be entirely within the building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
3. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, (except for the 6 off site employee parking spaces) which currently requires two employee spaces for each 1,000 square feet of building area and two customer spaces for the first 10,000 square feet of lot area used for storage and display, plus one customer space for each additional 10,000 square feet of lot area used for storage and display. If any of the building is utilized for car repair, the parking calculation is three per 1,000 square feet, plus three spaces. The spaces required for customers and employees shall be identified on the site plan and labeled on the site by small signs or pavement markings and shall not be used for display and storage of cars or recreational vehicles which are for sale (except for sales vehicles driven by the employees of this business).
4. If the existing six-foot wood fence along the north end of this property is ever removed, destroyed or not maintained as solid screening between the residential uses to the north and this commercial use to the south, the owner of this application site shall install a solid screening fence or wall with a minimum height of six feet along the north property line.
5. All lights shall be shielded to direct light away from adjoining properties. Stray lighting may not trespass more than five feet onto any adjoining residential property. No string-type lighting shall be permitted. The applicant is reminded of City Ordinance #41-312, which states: "No person shall install, maintain and/or use an outdoor visible light or other source of illumination which is on private property and produces glare or direct illumination across a property line in a residential area of such an intensity that it creates a nuisance or unreasonably interferes with the

Mr. T. G. Davis Jr.

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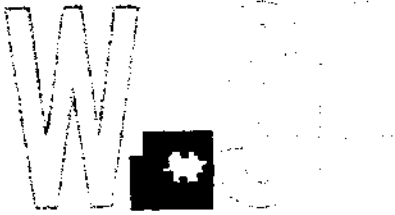
September 28, 1994

Paul Hays, OCI

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421

September 28, 1994

Mr. T. G. Davis Jr.  
K-DA, Inc.  
P. O. Box 780047  
Wichita, KS 67278

**RE: BZA 18-94 - Exception to permit modification of an existing car sales exception to include recreation vehicle sales on property zoned "LC" Light Commercial.**

Dear Mr. Davis:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 28, 1994 . 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 BZA 18-94 condition No. 9 has been completed.

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

Sincerely yours,

Lawrence P. Mitchell  
Assistant Secretary  
Board of Zoning Appeals

Enclosure  
LPM/hm

cc: J. B. Craig, 8474 E. Kellogg, Wichita, KS 67206  
Everett Fettis, 120 S. Market, Suite 504, Wichita, KS 67202  
Phil Meyer, Baughman Co., 315 Ellis, Wichita, KS 67211  
Randy Sparkman, OCI


Zoning Appeals, the lot shall be restriped per the approved revised site plan.

15. Trees and turf shall be planted no later than October 30, 1994, per the approved site plan.
16. This resolution authorizing car and recreation vehicle sales on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.
17. Release of this resolution shall supersede and make null and void Resolution No. BZA 11-92.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1994.

  
\_\_\_\_\_  
Susan Osborne-Howes, Vice-President

ATTEST:

  
\_\_\_\_\_  
Louise Olivarez, Secretary

**BZA RESOLUTION NO. 18-94**

**WHEREAS**, K-DA, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit modification of an existing car sales exception to include recreational vehicle sales on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Ruth Addition, Wichita, Sedgwick County, Kansas. Generally located on North side of Kellogg Drive in an area east of Bonnie Brae (8474 E. Kellogg).

**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 June 28, 1994, 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 modification of an existing car sales exception to include recreational vehicle sales on property zoned the "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 modification of an existing car sales exception to include recreational vehicle sales on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Ruth Addition, Wichita, Sedgwick County, Kansas. Generally located on North side of Kellogg Drive in an area east of Bonnie Brae (8474 E. Kellogg).

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1. All vehicle parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers ( e.g., curbs, bumper blocks, posts and chains, etc.) shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not extend beyond the property boundaries. Special care should be taken to avoid paving or parking beyond the north property line, which is approximately five feet south of the existing fence.
2. This car and recreational vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive or recreational vehicle service or repair work conducted on the site shall be entirely within the building. No body or fender work shall be done on the premises without first obtaining "C" zoning.
3. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance,(except for the 6 off site employee parking spaces) which currently requires two employee spaces for each 1,000 square feet of building area and two customer spaces for the first 10,000 square feet of lot area used for storage and display, plus one customer space for each additional 10,000 square feet of lot area used for storage and display. If any of the building is utilized for car repair, the parking calculation is three per 1,000 square feet, plus three

spaces. The spaces required for customers and employees shall be identified on the site plan and labeled on the site by small signs or pavement markings and shall not be used for display and storage of cars or recreational vehicles which are for sale (except for sales vehicles driven by the employees of this business).

4. If the existing six-foot wood fence along the north end of this property is ever removed, destroyed or not maintained as solid screening between the residential uses to the north and this commercial use to the south, the owner of this application site shall install a solid screening fence or wall with a minimum height of six feet along the north property line.
5. All lights shall be shielded to direct light away from adjoining properties. Stray lighting may not trespass more than five feet onto any adjoining residential property. No string-type lighting shall be permitted. The applicant is reminded of City Ordinance #41-312, which states: "No person shall install, maintain and/or use an outdoor visible light or other source of illumination which is on private property and produces glare or direct illumination across a property line in a residential area of such an intensity that it creates a nuisance or unreasonably interferes with the use or enjoyment of adjacent property." The ordinance also states: "Outside lights must be made up of a light source and reflector so that, acting together, the light beam is controlled and not directed across a property line."
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10. The number of cars and recreational vehicles displayed for sale on this lot at any one time shall not exceed the display spaces shown on the site plan except two cars may be displayed in one recreation vehicle space (in lieu of one RV) unless a revised site plan is submitted to the BZA Secretary and the City Traffic Engineer for review and approval. Any site plan change will require restriping of the lot.
11. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
12. All recreational vehicles shall be removed from the north 61 feet of this site (that area north of the building extended east) within one week following approval of this use exception by the BZA.
13. A revised site plan shall be submitted to the Secretary for review and approval within 15 days which indicates a parking space layout of the site that will not permit recreation vehicles to be parked on the north 61 feet of the lot (that area north of the building, extended east).
14. Within 90 days after approval of this use exception by the Board of