

3. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires 2 per 1,000 sq. ft. of building area + 2 for the first 10,000 sq. ft. of lot area (less building coverage) and 1 for each 10,000 sq. ft. thereafter, for a total of 12 spaces. 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). The number of parking spaces required by the lot area calculation (8) shall be located near the entrance of the business and shall be signed for "Customer Parking Only".
4. A 6-foot-tall solid wood fence shall be constructed along the south property line from a point 6 feet east of Marcilene to a point 6 feet west of Edgemoor. The 6-foot fence shall continue north along Marcilene at a 6-foot setback from the street right-of-way until it meets the proposed driveway. A 6-foot-tall fence or a 14-inch-high curb shall be installed along Edgemoor at a 6-foot setback between the two driveways. The 6 feet between property lines and fences (or 14" curb) on Marcilene and Edgemoor parallel to the streets shall be landscaped with trees, shrubs and groundcovers. The 10-foot strip north of the property line on the Kellogg frontage shall be planted with grass. Trees and shrubs may be included as desired by the applicant if approved by the City Forester and a minor street privilege is obtained. No structures shall be permitted within the Kellogg right-of-way. Minimum acceptable size for shade trees shall be 2-inch caliper, while ornamentals shall have a minimum 1-inch caliper. Shrubs shall be a minimum 2-gallon size.
5. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
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. Within 60 days after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall submit 6 copies of a landscape plan to the Secretary for review and approval. The plant materials shall be identified by scientific name, quantity, size at planting, and type of container (e.g., 2-gallon, 5-gallon, balled and burlapped, etc.). The method of providing water to the plant materials shall also be shown.

November 26, 1991

SECRETARY'S REPORT

CASE NUMBER:

BZA 28-91

OWNER/APPLICANT/AGENT:

D & M Investments (owner/applicant)
Baughman Company (agent)
Everett Fettis (agent)

REQUEST:

Exception to permit a new and used car sales lot

CURRENT ZONING:

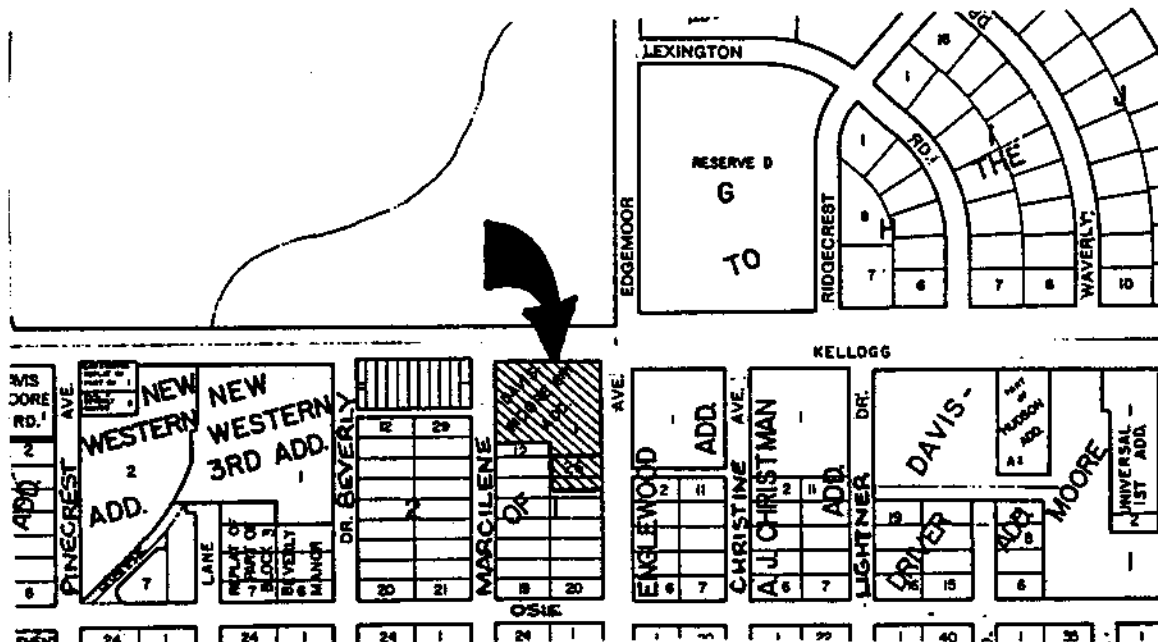
"LC" Light Commercial District & "A" Two-Family Dwelling District (approved for "LC")

SITE SIZE:

1.5 acres

LOCATION:

South side of Kellogg between Edgemoor and Marcilene



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: Last May, a use exception for a car sales lot was approved by the BZA for a majority of this property. Since that time, the south 125 feet on Edgemoor has been acquired and rezoned (or approved for rezoning in the case of the south 75 feet) to "LC". A new parking code has been adopted which greatly reduces the number of spaces which must be reserved for employees and customers. Based on building size, four spaces must be reserved for employee parking; based on lot size (excluding building and landscape coverage), eight spaces must be reserved and identified for customer parking. The remaining spaces may be used for display and storage of cars for sale (167 according to the site plan submitted with the application).

A new landscape ordinance has also been adopted since last May. However, because a building permit was issued for this proposed development prior to the effective date of the landscape ordinance, this property is exempt from having to comply with that ordinance. The site plan indicates a continuation into the new area of the amount of landscaping and fencing approved last May. This consisted of a 6-foot-wide planting strip on Marcilene and on Edgemoor, south of the driveways which align with the former east-west alley. A 6-foot-tall solid wood fence was required behind the landscaping on Marcilene and either a 6-foot fence or a 14-inch concrete curb behind the landscaping on Edgemoor. The applicant expressed preference for the curb.

ADJACENT ZONING AND LAND USE:

NORTH	"BB"	V.A. Hospital
SOUTH	"A"	One-family dwellings
EAST	"LC" & "A"	Auto supply store; stationary store; one-family dwelling
WEST	"LC" & "A"	Radiator service shop; one-family dwelling

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

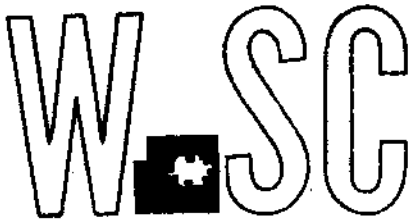
1. This property shall be developed in accordance with the site plan approved for this use exception. All vehicle parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers (e.g., curbs, bumper blocks, posts and chains, etc.) shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
2. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or 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. A new site plan shall be submitted for review and approval if any vehicle service or repair work is proposed in the future.

Pete Klein - BZA 28-91

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cc: Everett Fettis, 120 S. Market, Suite 504, 67202
Baughman Co., 315 Ellis, 67211
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

May 19, 1992

D & M Investments
ATTN: Pete Klein
P.O. Box 780047
Wichita, KS 67278

Re: BZA 28-91 - Exception to permit expansion of a previously approved new and used car sales lot. South side of Kellogg between Edgemoor and Marcilene (5505 E. Kellogg).

Dear Mr. Klein:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on November 26, 1991. 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 #9, requiring recording of the Davis-Moore 9th Addition plat, has finally been completed. We will ask the City Clerk to publish the associated rezoning (Z-3033) resolution which will establish light commercial zoning on the southeast corner of this site. Your use of the southeast corner of this property for commercial purposes will finally be legal after several months of being in violation of the duplex zoning regulations.

Enclosed is a copy of the approved site plan and a copy of the approved landscape plan. One of the City zoning inspectors will soon be making a final site inspection to determine if development of the site has occurred in accordance with the approved plans.

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

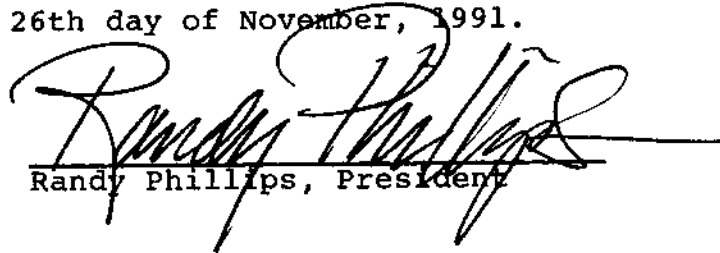
Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

4. A 6-foot-tall solid wood fence shall be constructed along the south property line from a point 6 feet east of Marcilene to a point 6 feet west of Edgemoor. The 6-foot fence shall continue north along Marcilene at a 6-foot setback from the street right-of-way until it meets the proposed driveway. A 6-foot-tall fence or a 14-inch-high curb shall be installed along Edgemoor at a 6-foot setback between the two driveways. The 6 feet between property lines and fences (or 14" curb) on Marcilene and Edgemoor parallel to the streets shall be landscaped with trees, shrubs and groundcovers. The 10-foot strip north of the property line on the Kellogg frontage shall be planted with grass. Trees and shrubs may be included as desired by the applicant if approved by the City Forester and a minor street privilege is obtained. No structures shall be permitted within the Kellogg right-of-way. Minimum acceptable size for shade trees shall be 2-inch caliper, while ornamentals shall have a minimum 1-inch caliper. Shrubs shall be a minimum 2-gallon size.
5. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
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. Within 60 days after approval by the Board of Zoning Appeals and prior to release of the resolution authorizing this use exception, the applicant shall submit 6 copies of a landscape plan to the Secretary for review and approval. The plant materials shall be identified by scientific name, quantity, size at planting, and type of container (e.g., 2-gallon, 5-gallon, balled and burlapped, etc.). The method of providing water to the plant materials shall also be shown.
9. Prior to September 24, 1992, and prior to release of the resolution authorizing this car sales business on this property, the applicant shall record a plat of the property so that the zone change from "A" to "LC" for the south 75 feet will become effective (Z-3033).
10. 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.
11. Release of this resolution shall supersede and make null and void the Resolution for BZA 10-91, which was for a portion of this property.

ADOPTED AT WICHITA, KANSAS, this 26th day of November, 1991.


Randy Phillips, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 28-91

WHEREAS, D & M Investments, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit expansion of a previously approved new and used car sales lot on property zoned or approved for the "LC" Light Commercial District and legally described as follows:

Lot 1, Davis-Moore 8th Addition, Wichita, Sedgwick County, Kansas, AND the north 25 feet of Lot 25 and all of Lot 26, Block 1, Beverly Manor, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Edgemoor and Marcilene.

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 November 26, 1991, 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 a new and used car sales lot on property zoned or approved for 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 expansion of a previously approved new and used car sales lot on property zoned or approved for the "LC" Light Commercial District and legally described as follows:

*Now placed
in Davis-Moore
8th Addition*
Lot 1, Davis-Moore 8th Addition, Wichita, Sedgwick County, Kansas, AND the north 25 feet of Lot 25 and all of Lot 26, Block 1, Beverly Manor, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Edgemoor and Marcilene.

subject to the following conditions:

1. This property shall be developed in accordance with the site plan approved for this use exception. 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 adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
2. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or 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. A new site plan shall be submitted for review and approval if any vehicle service or repair work is proposed in the future.
3. Parking spaces for employees and customers shall be provided on the property as specified in the zoning ordinance, which currently requires 2 per 1,000 sq. ft. of building area + 2 for the first 10,000 sq. ft. of lot area (less building coverage) and 1 for each 10,000 sq. ft. thereafter, for a total of 12 spaces. 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). The number of parking spaces required by the lot area calculation (8) shall be located near the entrance of the business and shall be signed for "Customer Parking Only".