

storage of automobiles offered for sale. The customer spaces shall be near the front entrance to the building.

11. Screening on the south side of the property shall be a 6' - 0" solid wood fence as indicated on the approved site plan with the finished side out on the south side. The wood screening fence must be reduced to 3 feet in height within the west 20 feet.
12. The number of cars displayed for sale on this lot at any one time shall not exceed 2 unless a revised application is filed and approved by the Board.
13. No cars shall be parked or stored within the east 30 feet of the site unless a revised site plan is submitted to the BZA Secretary and the City Traffic Engineer for review and approval. Any additional vehicle use areas on this lot shall be paved prior to use.
14. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
15. The used automobile sales business shall be an accessory use to the automobile repair and service business now located on the site, and shall cease operation at such future date as the automobile repair and service business ceases operation.
16. 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 9-95

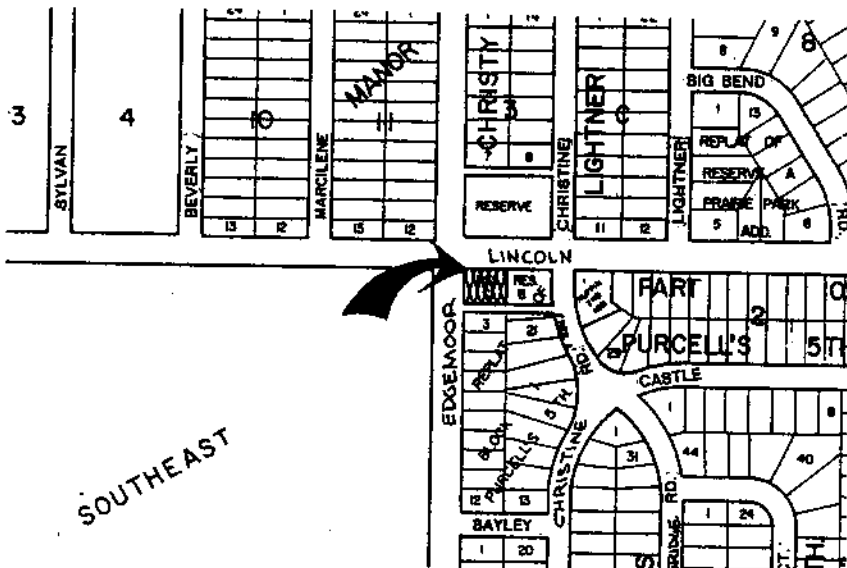
OWNER/APPLICANT: Dennis J. Miller, et al.
AGENT: David Tarhini (lessee)

REQUEST: Exception to permit used car sales as an accessory use to auto service and repair.

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 115 feet x 90 feet

LOCATION: Southeast corner of Edgemoor and Lincoln (902 S. Edgemoor).



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: The applicants, Dennis J. Miller, et al. are the owners of the property located at 902 South Edgemoor. David Tarhini is the lessee of the property and is operating an automobile service and repair business, known as Cedars Auto Repair. The applicants are seeking a use exception on this property to allow Mr. Tarhini to sell used cars as an accessory business use. The site is zoned "LC" Light Commercial and outdoor uses such as car sales are not permitted by right but may be allowed as a use exception in accordance with Section 28.04.183(2) of the zoning code.

The properties located north and east of the site are zoned "LC" Light Commercial. Properties west and south of the application area are residentially zoned with the south site developed with a single-family dwelling which is separated from the application area by a 20-foot alley. The applicants' site is 115 feet deep (along Linden) and 90 feet wide (along Edgemoor). There is an existing structure on the site that operates as the garage, repair facility, and office. It is approximately 48 feet long and 28 feet wide and contains 1344 square feet. Approximately one-third of the building is for office use (448 square feet) while two-thirds is for auto repair (896 square feet).

Current use of the property requires the applicants to provide at least 8 parking spaces for the operation of the automobile service and repair business (1 per 250 square feet of office area; 3 per 1000 square feet of auto repair area, plus 3). The lessee wants to be able to display up to two used cars for sale. The zoning code requires used car businesses to provide customer parking at the rate of two spaces per 10,000 square feet of lot area used for vehicle sales, display, or storage purposes. Since two sales cars will occupy only about 400 square feet of lot area, it seems reasonable to require only one customer parking space to be reserved and designated for car sales customers. The applicants' site plan, which has been approved by the Traffic Engineer, identifies a total of twelve parking spaces. The two closest to Edgemoor have been labeled as the sales spaces. Space #1 should be labeled for car sales customer parking only. All remaining spaces are for customers and employees of the auto repair business. One van-accessible handicapped parking space is required and has been shown on the plan.

The site plan indicates that the east side of the lot, although partially paved, will not be used at the present time for the parking of vehicles. A 6 foot high solid wood fence will be required along the south property line to screen the use from the residentially zoned property south of the alley. The fence will have to be reduced to 3 feet in height within the west 20 feet.

The proposed auto sales use at this location existing at the scale being requested (two vehicles) appears to be a logical accessory use to the auto repair business and having

a use exception at this location with a definite site plan with certain operating limitations should provide an opportunity to maintain an orderly use on the site.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" Retail Center-Edgemoor Plaza
SOUTH: "AA" Single-Family Dwelling
EAST: "LC" Food Service --Sutch-A-Burger
WEST: "A" Southeast High School--Court Yard

Staff Recommendation: Planning staff recommends that the exception be approved. This recommendation is based on the following findings:

1. The character of the neighborhood: The general area is characterized by a mixture of retail and residential uses and an educational institution. The retail uses are located on three of the corners of two intersecting 4-lane arterial streets.
2. The zoning and uses of properties nearby: Properties to the north and east of the site are developed and also zoned "LC" Light Commercial. The properties to the south and west are zoned residential with the south site being developed with a single-family dwelling and the west site being developed with an education facility.
3. The suitability of the subject property for the requested use, and the appropriateness of the proposed use for the general area: The property is of adequate size to accommodate the proposed use as well as being adjacent to a 4-lane arterial street and the site has been developed with an automotive related activity. Therefore, the site is suitable for the proposed use.
4. The extent to which the granting of the exception will detrimentally affect nearby property: Nearby properties should not be significantly impacted by the proposed additional accessory use for this property. The two-family zoning to the west will be protected by the width of Edgemoor. The "AA" single-family zoning south of the site will be screened from the site by a wooden fence. The screening to be provided on the site should be adequate to lessen the impact of the proposed use on nearby properties.
5. Impact of the proposed development on community facilities: The proposed use will be located adjacent to an existing 4-lane arterial street and adequate municipal services are available to the site to serve the proposed use.

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

1. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals. All required site improvements, as specified below, shall be completed in a satisfactory manner prior to use of this site for used automobile sales, and within one year following approval of the use exception by the Board of Zoning Appeals.
2. Parking spaces shall be striped as indicated on the approved site plan.
3. All vehicle parking, storage, display and circulation area shall be paved with concrete, asphalt, or asphaltic concrete.
4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street and unpaved areas on the site to assure that vehicles do not encroach onto public sidewalk or right-of-way. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces adjacent to Edgemoor and Lincoln and along the east spaces 9 through 12, which are indicated on the site plan.
5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
7. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
9. All automotive service or repair work must be conducted entirely within an enclosed structure.
10. Parking spaces shall be provided for employees and customers as required in City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14 and 3.17). Specifically, applicable zoning code sections require a minimum of 8 spaces for customers and 2 spaces for employees. These parking spaces shall be reserved and labeled for employees and customers, and shall not be used for display or

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

May 24, 1995

Mr. Dennis J. Miller
902 S. Edgemoor
Wichita, KS 67218

RE: BZA-9-95 - Exception to permit used car sales as an accessory use to an auto service and repair on property zoned "LC" Light Commercial. (902 S. Edgemoor)

Dear Mr. Miller:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on May 23, 1995. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. 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

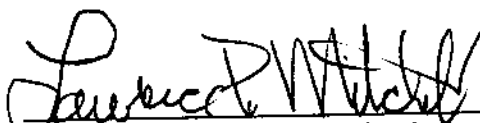
cc: David Tarhini, 902 S. Edgemoor, Wichita, KS 67218
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

7. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site, except that no portable signs shall be permitted and no string-type banners or pennants shall be permitted.
8. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
9. All automotive service or repair work must be conducted entirely within an enclosed structure.
10. Parking spaces shall be provided for employees and customers as required in City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14 and 3.17). Specifically, applicable zoning code sections require a minimum of 8 spaces for customers and 2 spaces for employees. These parking spaces shall be reserved and labeled for employees and customers, and shall not be used for display or storage of automobiles offered for sale. The customer spaces shall be near the front entrance to the building.
11. Screening on the south side of the property shall be a 6' - 0" solid wood fence as indicated on the approved site plan with the finished side out on the south side. The wood screening fence must be reduced to 3 feet in height within the west 20 feet.
12. The number of cars displayed for sale on this lot at any one time shall not exceed 2 unless a revised application is filed and approved by the Board.
13. No cars shall be parked or stored within the east 30 feet of the site unless a revised site plan is submitted to the BZA Secretary and the City Traffic Engineer for review and approval. Any additional vehicle use areas on this lot shall be paved prior to use.
14. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
15. The used automobile sales business shall be an accessory use to the automobile repair and service business now located on the site, and shall cease operation at such future date as the automobile repair and service business ceases operation.
16. 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.

ADOPTED AT WICHITA, KANSAS, this 23rd day of May, 1995.


- Susan Osborne-Howes, President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

* NOTE: On October 22, 1996, the Board of Zoning Appeals, during a regularly scheduled meeting, granted a 60-day extension (to December 21, 1996) of time to complete all site improvements required by BZA Resolution No. 9-95.

BZA RESOLUTION NO. 9-95

WHEREAS, Dennis J. Miller, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit used car sales as an accessory use to auto service and repair on property zoned the "LC" Light Commercial and legally described as follows:

Reserve C, Replat of part of Block 1, Purcell's Fifth Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southeast corner of Edgemoor and Lincoln (902 S. Edgemoor).

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 May 23, 1995, 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 used car sales as an accessory use to auto service and repair on property zoned the "LC" Light Commercial, subject to the conditions outlined in Section 28.04.185(2), Code of the City of Wichita.

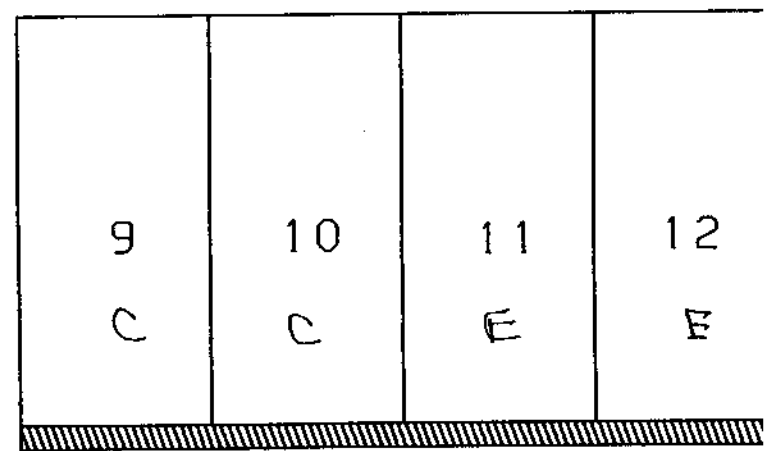
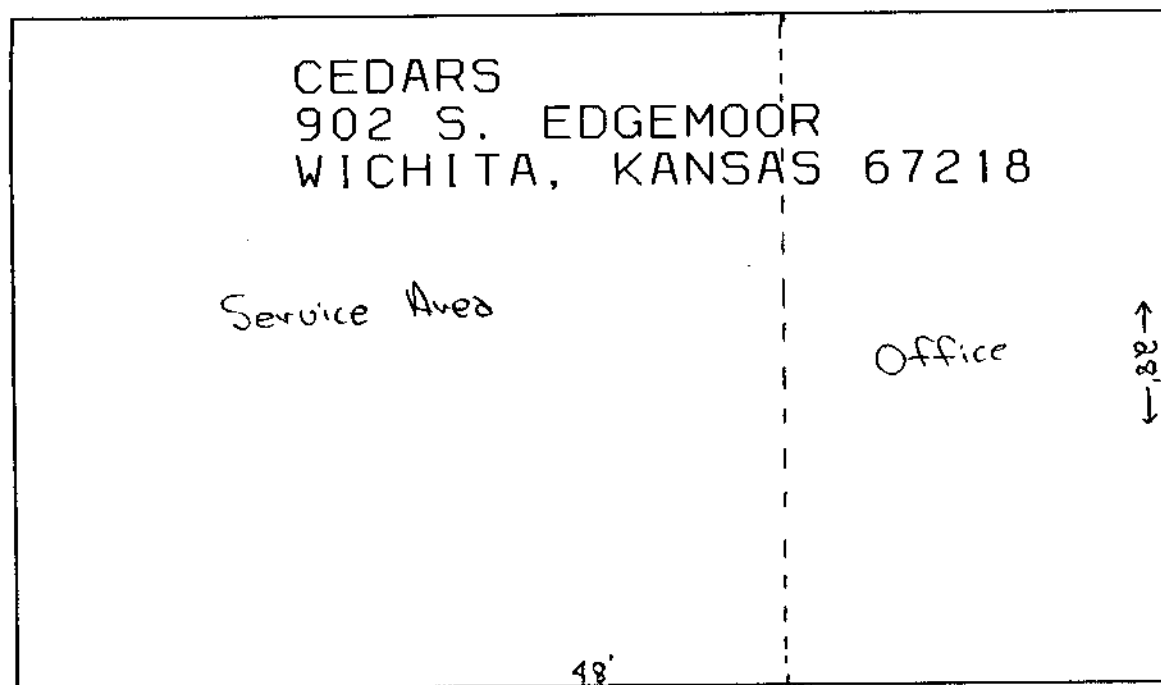
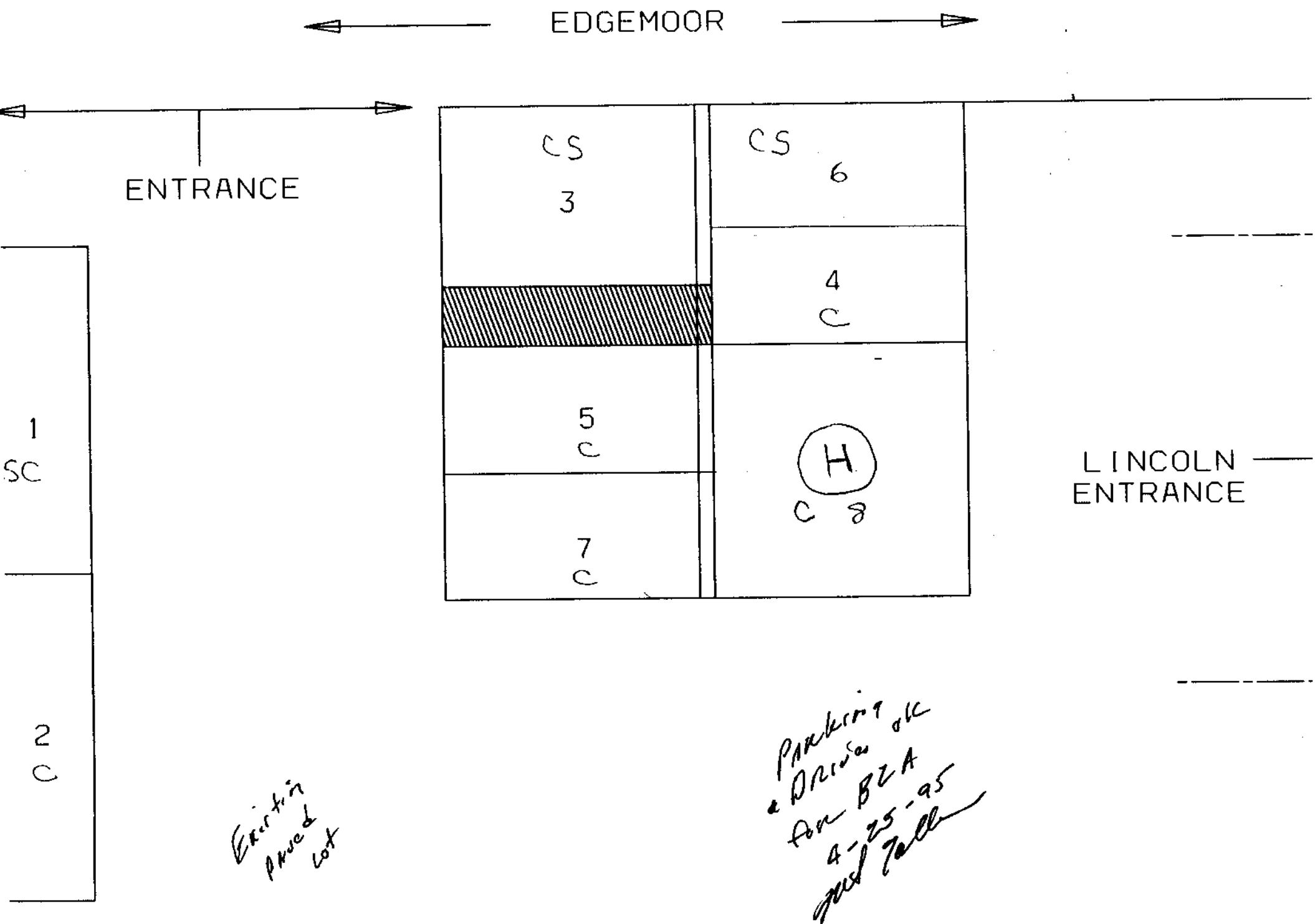
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit used car sales as an accessory use to auto service and repair on property zoned the "LC" Light Commercial and legally described as follows:

Reserve C, Replat of part of Block 1, Purcell's Fifth Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southeast corner of Edgemoor and Lincoln (902 S. Edgemoor).

subject to the following conditions:

- * 1. Development of this lot for car sales shall be in accordance with the site plan approved by the Board of Zoning Appeals. All required site improvements, as specified below, shall be completed in a satisfactory manner prior to use of this site for used automobile sales, and within one year following approval of the use exception by the Board of Zoning Appeals.
- 2. Parking spaces shall be striped as indicated on the approved site plan.
- 3. All vehicle parking, storage, display and circulation area shall be paved with concrete, asphalt, or asphaltic concrete.
- 4. Bumper blocks or other approved barriers shall be installed at all parking spaces adjacent to a public street and unpaved areas on the site to assure that vehicles do not encroach onto public sidewalk or right-of-way. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces adjacent to Edgemoor and Lincoln and along the east spaces 9 through 12, which are indicated on the site plan.
- 5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lighting or banners shall be permitted.
- 6. No sound projecting devices or loudspeakers shall be used.

over



DRAWN : DAVID TARHINI

→ NORTH
PLAN VIEW
SCALE : 1 FT = $\frac{1}{8}$ "

Grass Area

C = Customer
E = Employee
CS = Car Sales
(H) = Handicapped
CSC = Car Sales Customer

BZA 9-95