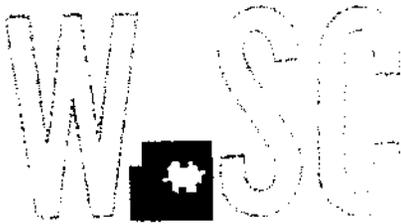


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

July 30, 1993

Scholfield Bros., Inc.
Att: Steve Mardis
7633 E. Kellogg
Wichita, KS 67207

Re: **BZA 18-93** Request for use exception to allow expansion of a previously approved vehicle sales lot.

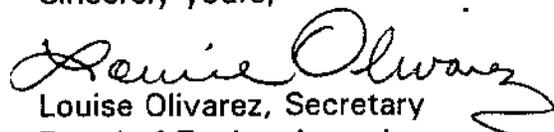
Dear Mr. Mardis:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 27, 1993. 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.

Your revised landscape plan for the south and southwest street frontages of this property, as presented to the Board on July 27, is approved as a substitute for the original plan which was approved in 1986. This new landscape plan is on the same drawing as the site plan and approved copies are being distributed with this letter.

If you have any questions about this matter, please call me at 268-4421.

Sincerely yours,


Louise Olivarez, Secretary
Board of Zoning Appeals

cc: Tom Boyd, Market Parking, 128 S. Dellrose, 67218
Phil Meyer, Baughman Company, 315 Ellis, 67211
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

13. No vehicles for sale within the leased area east of Longfellow shall be elevated in any manner above the parking surface for purposes of display.
14. Parking for customers and employees shall be provided on site as required by code. Based on the current building sizes and uses, as well as the amount of area devoted to the storage and display of sales vehicles, parking is currently required as follows: 26 customer spaces for the vehicular sales portion of this business; 42 employee spaces for the vehicular sales portion of the business; and 60 spaces for employees and customers of the service portion of the business. The 26 customer spaces for the vehicular sales portion of the business shall be near the entrance and shall be clearly marked and reserved for customers only.
15. The applicant shall maintain the property in general conformance with the approved site plan.
16. Use of the leased property at the southeast corner of Longfellow and Kellogg for vehicle sales display and storage shall cease immediately at such future time as the businesses located on Lot 2, East Side Center Addition, require this area for their own parking needs.
17. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.
18. The release of this resolution shall make null and void BZA Resolution No. 3-86.

ADOPTED AT WICHITA, KANSAS, this 27th day of July, 1993.



Keith Alter, Vice-President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 18-93

WHEREAS, Scholfield Brothers, Inc., and Market Parking, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit expansion of a previously approved vehicle sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, the west 67 ft. of the north 48 ft. of Lot 2, and the west 42 ft. of the south 322 ft. of the north 370 ft. of Lot 2, East Side Center Addition; Lot 1, East Side Center 2nd Addition; Lot 4, Block 2, Eastridge Eleventh Addition; Lots 1, 2 and 3, Block 1, Replat of Block 1 Kellogg Crest Addition; and that part of Block 4, Eastridge Eighth Addition described as beginning at the S.E. corner of said Block 4; thence north 105.98 ft.; thence west 31.51 ft. parallel with the north line of Lots 2 and 3, Block 1, Replat of Block 1 Kellogg Crest Addition; thence southwesterly 41.68 ft. to a point 87.17 ft. northwesterly from the place of beginning; thence southeasterly 87.17 ft. along the southwesterly line of said Block 4 to the place of beginning; in Wichita, Sedgwick County, Kansas. Generally located on the west and east sides of Longfellow between Kellogg and Orme.

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 July 27, 1993, 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 expansion of a vehicle sales lot on property zoned 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 a vehicle sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, the west 67 ft. of the north 48 ft. of Lot 2, and the west 42 ft. of the south 322 ft. of the north 370 ft. of Lot 2, East Side Center Addition; Lot 1, East Side Center 2nd Addition; Lot 4, Block 2, Eastridge Eleventh Addition; Lots 1, 2 and 3, Block 1, Replat of Block 1 Kellogg Crest Addition; and that part of Block 4, Eastridge Eighth Addition described as beginning at the S.E. corner of said Block 4; thence north 105.98 ft.; thence west 31.51 ft. parallel with the north line of Lots 2 and 3, Block 1, Replat of Block 1 Kellogg Crest Addition; thence southwesterly 41.68 ft. to a point 87.17 ft. northwesterly from the place of beginning; thence southeasterly 87.17 ft. along the southwesterly line of said Block 4 to the place of beginning; in Wichita, Sedgwick County, Kansas. Generally located on the west and east sides of Longfellow between Kellogg and Orme.

subject to the following conditions:

1. The areas used for parking, storage and display, including areas of ingress and egress, shall be paved with asphalt, asphaltic concrete or concrete and be maintained in good condition.

2. All lights shall be shielded to direct light away from adjoining properties. No string type lighting, string type banners or string type pennants shall be permitted.
3. On-site ground or pole signs, as set forth in the sign ordinance for the "LC" Light Commercial District, shall be permitted adjacent to Kellogg except that no ground or pole signs shall be permitted in the leased area east of Longfellow. On-site building signs shall be permitted except when within 200 feet of Orme street or within 200 feet of any property zoned residential. No projecting signs shall be permitted on the property. No ground or pole signs shall be permitted adjacent to Longfellow, Orme or Armour. No signs shall be painted or attached to the fence or walls adjacent to Orme, Longfellow or Armour (except security notification signs.)
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. A 5- to 8-foot high solid masonry wall shall be constructed and maintained along the entire south portion of the property from Longfellow to a point 187 feet northwest of the northeast corner of Armour and Orme. (The applicant shall have the option of providing a chainlink fence with plastic or wooden slats along the portion of the south line adjacent to the north line of Lot 5, Block 2, Eastridge Eleventh as long as said Lot 5 is owned by Scholfield Properties.) Said wall shall be permitted to have one opening on Armour which shall not exceed 20 feet in width. This opening shall be protected by a gate providing a visual screen the same height as the wall and shall be kept locked and closed, except for emergency and snow removal purposes. This gate shall not be used for ingress and egress purposes or for the loading or unloading of vehicles.
6. No access or curb cuts shall be permitted adjacent to Orme, the south 187 feet of Armour, or the south 275 feet adjacent to Longfellow.
7. No repair work shall be conducted, except within an enclosed building, and no body or fender work shall be permitted, except within areas zoned "C" Commercial.
8. The area shall be properly policed by the owner or operator for the proper maintenance and removal of trash and debris.
9. All parking, storage or display of vehicles that are adjacent to any property lines shall be prevented from the extension or the protruding of vehicles over the property lines by the provision of fences, walls, curbs or other parking barriers.
10. No new structures shall be constructed within 200 feet of the north line of Orme Street or within 35 feet of the existing rights-of-way for Kellogg Drive, Longfellow or Armour.
11. Any significant changes or the expansion of buildings on the property are subject to the submission of a revised site plan to the Secretary and the Superintendent of Central Inspection for approval.
12. Street trees shall be provided and maintained in the public right-of-way adjacent to Orme Street as specified on the landscape plan for BZA 3-86, approved on September 26, 1986, or as may be approved on a revised plan if submitted by the applicant and approved by the Secretary. A minimum of twelve trees will be required. Compliance with the Orme planting plan shall be required by November 1, 1993.

9. All parking, storage or display of vehicles that are adjacent to any property lines shall be prevented from the extension or the protruding of vehicles over the property lines by the provision of fences, walls, curbs or other parking barriers.
10. No new structures shall be constructed within 200 feet of the north line of Orme Street or within 35 feet of the existing rights-of-way for Kellogg Drive, Longfellow or Armour.
11. Any significant changes or the expansion of buildings on the property are subject to the submission of a revised site plan to the Secretary and the Superintendent of Central Inspection for approval.
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13. No vehicles for sale within the leased area east of Longfellow shall be elevated in any manner above the parking surface for purposes of display.
14. Parking for customers and employees shall be provided on site as required by code. Based on the current building sizes and uses, as well as the amount of area devoted to the storage and display of sales vehicles, parking is currently required as follows: 26 customer spaces for the vehicular sales portion of this business; 42 employee spaces for the vehicular sales portion of the business; and 60 spaces for employee and customers of the service portion of the business.
15. The applicant shall maintain the property in general conformance with the approved site plan.
16. Use of the leased property at the southeast corner of Longfellow and Kellogg for vehicle sales display and storage shall cease immediately at such future time as the businesses located on Lot 2, East Side Center Addition, require this area for their own parking needs.
17. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.
18. The release of this resolution shall make null and void BZA Resolution No. 3-86.

SECRETARY'S REPORT

CASE NUMBER: BZA 18-93

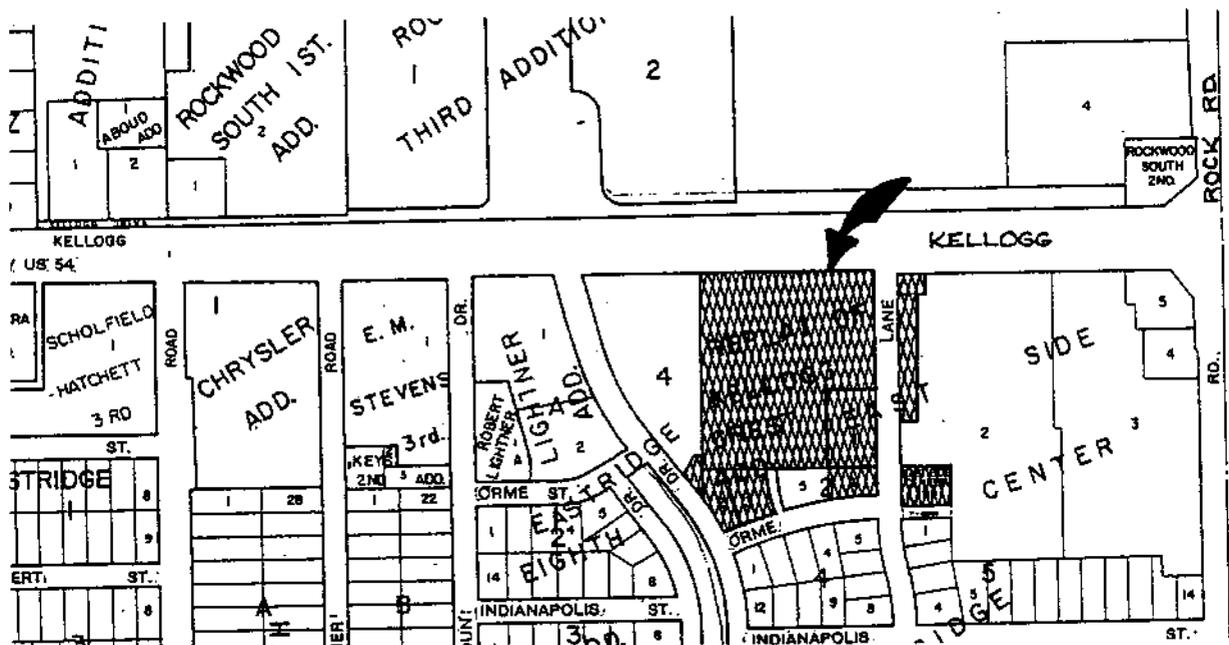
OWNER/APPLICANT/AGENT: Scholfield Bros., Inc. (owner/applicant)
Market Parking, Inc. (owner/applicant)
Baughman Co. P.A. (agent)

REQUEST: Exception to permit expansion of a previously approved vehicle sales lot.

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 6.52 acres

LOCATION: West and east sides of Longfellow between Kellogg and Orme



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: This application has been filed in an effort to make legal a land use which has occurred off and on for several years, namely the parking of vehicles for sale on the "LC" zoned office building property at the southeast corner of Longfellow and Kellogg (7701 E. Kellogg). These vehicles are owned by the Scholfield car dealership located at the southwest corner of this intersection, last approved for an expanded use exception in 1986 (BZA 3-86). The Scholfield Saturn used car lot at Armour and Kellogg at the west end of this block is a separate use exception (BZA 36-91) due to a technicality in split ownerships. This same technicality saves this current application area from being required to file a community unit plan on its six-plus acres of "LC" zoned property. Less than 0.4 acre of the current application site is being leased from Market Parking, Inc., the owner of the office building at 7701 E. Kellogg. The other 6.13 acres is owned by either Scholfield Properties or by Victor H. and James Richard Scholfield.

The lease covering the long strip of parking stalls at the southeast corner of Longfellow and Kellogg is temporary, until such time as the occupancy rate in the 7701 building requires the use of this portion of the lot for its own customer and employee parking needs. The 44 parking stalls in the southeast corner of this application area are owned by Scholfield Properties and are being included in this expanded use exception request as they provide 44 spaces for employee parking, thus making more spaces at the main site (SW corner Longfellow/Kellogg) available for sales cars and customers. This employee parking lot is zoned "LC".

Some Board members may recall a case heard several times in 1991 (BZA 24-90) before being withdrawn and refiled in part as BZA 36-91 in which compliance and non-compliance with the various conditions established by BZA 3-86 were discussed. At that time it was pointed out that there were still four curb cuts on the west side of Longfellow which should have been closed; the landscaping along Orme was deficient and not in accordance with the approved plan; and a chainlink fence with blue plastic slats existed along a portion of the south property line instead of the required 5-to 8-foot high masonry wall.

Since those discussions, the four curb cuts have been closed. Some of the plants have grown; one has died, but overall the landscaping along Orme is still less than required by the 1986 approved plan. The chainlink fence remains but, as was pointed out in 1991, the lot just south of that fence is now owned by Scholfield Properties. In anticipation of that lot someday being incorporated into the car dealership site, some type of fence or wall less permanent than a masonry one may be appropriate.

Regarding the parking needs at 7701 E. Kellogg, the existing multi-story building which has mainly office uses requires a minimum of approximately 350 parking spaces. If permitted uses such as a movie theater, restaurant or club were to occupy this site, additional spaces would be required. Also if the maximum allowable floor

area were constructed, (160,000 sq. ft.), much more parking would be required. There now exist approximately 480 spaces, including those requested for use by Scholfield . Such figures indicate that it will probably be quite a while, if ever, before these leased spaces will be needed for the employees and customers of the 7701 E. Kellogg building.

A site check on July 16 revealed two rows of vans being displayed in the area east of Longfellow, not just one as depicted on the site plan. Two rows have frequently been displayed here during the past several years. If the applicant intends to continue to display more than one row, that should be noted on the site plan. Otherwise, only 44 vehicles maximum will be permitted. If one or more rows are to be parked at an angle rather than perpendicular to the west property line, that also should be noted on the plan. The two customer spaces required by the size of this display area may be located on the west side of Longfellow between Kellogg Drive and the northern most driveway if the applicant prefers.

Although the figures on parking spaces required and parking spaces provided on the 7701 E. Kellogg site indicate that an excess number of spaces are available, approval of this request could set a precedent for other car dealerships to make similar requests. Indeed, Rusty Eck Ford has already asked about parking some of its vehicles on the Towne East site. While it has long since been determined that east Kellogg is appropriate for outdoor vehicular sales, the approved sites have heretofore been on properties owned by the dealerships and used exclusively for their vehicle sales, leasing and service businesses. These sites have not usually been separated by a public street as this one is separated by Longfellow. While some few used car sales lots have been approved as accessory uses to other types of businesses, these have been far smaller in size and intensity than the one proposed in this application. However, the proposed use is certainly in character with the zoning and uses of land in this segment of east Kellogg, and it does not appear that it would have any detrimental effect on nearby properties or on public facilities; therefore staff recommends approval.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Retail shopping centers
SOUTH	"AA"	One-family dwellings
EAST	"LC"	Office building and parking lot
WEST	"LC" & "AA"	Saturn used car sales lot & one-family dwelling

RECOMMENDATION: Should the Board determine that expansion of a previously approved vehicle sales lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The areas used for parking, storage and display, including areas of ingress and egress, shall be paved with asphalt, asphaltic concrete or concrete and be maintained in good condition.
2. All lights shall be shielded to direct light away from adjoining properties. No string type lighting, string type banners or string type pennants shall be permitted.
3. On-site ground or pole signs, as set forth in the sign ordinance for the "LC" Light Commercial District, shall be permitted adjacent to Kellogg. On-site building signs shall be permitted except when within 200 feet of Orme street or within 200 feet of any property zoned residential. No projecting signs shall be permitted on the property. No ground or pole signs shall be permitted adjacent to Longfellow, Orme or Armour. No signs shall be painted or attached to the fence or walls adjacent to Orme, Longfellow or Armour.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. A 5- to 8-foot high solid masonry wall shall be constructed and maintained along the entire south portion of the property from Longfellow to a point 187 feet northwest of the northeast corner of Armour and Orme. (The applicant shall have the option of providing a chainlink fence with plastic or wooden slats along the portion of the south line adjacent to the north line of Lot 5, Block 2, Eastridge Eleventh as long as said Lot 5 is owned by Scholfield Properties.) Said wall shall be permitted to have one opening on Armour which shall not exceed 20 feet in width. This opening shall be protected by a gate providing a visual screen the same height as the wall and shall be kept locked and closed, except for emergency and snow removal purposes. This gate shall not be used for ingress and egress purposes or for the loading or unloading of vehicles.
6. No access or curb cuts shall be permitted adjacent to Orme, the south 187 feet of Armour, or the south 275 feet adjacent to Longfellow.
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8. The area shall be properly policed by the owner or operator for the proper maintenance and removal of trash and debris.