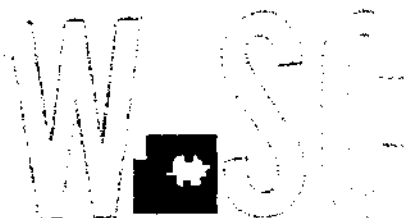


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

March 1, 1996

Walter & Elizabeth Herring
Rt 1 Box 236
Edwards, MO 65326

RE: BZA 2-96 - Exception to permit a used car sales lot on property zoned "LC" Light Commercial and generally located at the northwest corner of Douglas and West Street.

Dear Mr. & Mrs. Herring:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on February 27, 1996. 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: Odin 77 Associates; c/o Quikshop; P. O. Box 1927; Attn David Cleaves;
Hutchinson, KS 67504-1927
Brandon Stevens; 2333 McLean; Wichita, KS 67204
Baughman Co. P.A.; 315 Ellis; Wichita, KS 67211
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

5. The westernmost existing driveway on Douglas and the two southernmost existing driveways on West Street shall be closed and the curbs and gutters reconstructed as depicted on the site plan.
6. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
7. No sound projecting devices or loudspeakers shall be used so as to be heard out side of the building.
8. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners, string-type pennants, or string-type tinsel shall be permitted.
9. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
10. All automotive service or repair work must be conducted entirely within an enclosed structure.
11. Parking spaces shall be provided for employees and customers as required in the City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14 and 3.17). Specifically, applicable zoning code sections require a minimum of 10 spaces for customers and 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.
12. The number of cars displayed for sale on this lot at any one time shall not exceed 67 unless a revised application is filed and approved by the Board.
13. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
14. This resolution authorizing 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 27th day of February, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 2-96

WHEREAS, Walter & Elizabeth Herring, Odin 77 Associates, and Brandon Stevens, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit used car sales on property zoned the "LC" Light Commercial and legally described as follows:

The south 100 feet of the west 100 feet of Lot 5, together with Lot 5 and the west 4 feet of Lot 4 except the south 100 feet thereof, together with that portion of vacated Pearl Street lying adjacent to said Lot 5 and the west 4 feet of said Lot 4, Black and Towns Addition, Sedgwick County, Kansas. Generally located at the northeast corner of Douglas and West Street.

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 February 27, 1996, 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 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 used car sales on property zoned the "LC" Light Commercial and legally described as follows:

The south 100 feet of the west 100 feet of Lot 5, together with Lot 5 and the west 4 feet of Lot 4 except the south 100 feet thereof, together with that portion of vacated Pearl Street lying adjacent to said Lot 5 and the west 4 feet of said Lot 4, Black and Towns Addition, Sedgwick County, Kansas. Generally located at the northeast corner of Douglas and West Street.

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 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 areas 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 on the site to assure that vehicles do not encroach onto public sidewalks or right-of-way. Specifically, bumper blocks or other approved barriers shall be installed along parking spaces adjacent to Douglas and West Street.

reconstructed as depicted on the site plan.

6. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of the building.
8. Only those signs normally permitted in the "LC" zoning district shall be permitted at this site. No string-type banners, string-type pennants, or string-type tinsel shall be permitted.
9. No body or fender work shall be done on the premises without first obtaining "C" commercial district zoning designation.
10. All automotive service or repair work must be conducted entirely within an enclosed structure.
11. Parking spaces shall be provided for employees and customers as required in the City of Wichita Zoning Ordinance, per Sections 28.04.141(3.14 and 3.17). Specifically, applicable zoning code sections require a minimum of 10 spaces for customers and 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.
12. The number of cars displayed for sale on this lot at any one time shall not exceed 67 unless a revised application is filed and approved by the Board.
13. No vehicles for sale shall be elevated in any manner above the parking surface for purposes of display.
14. This resolution authorizing 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 2-96

OWNER/APPLICANT: Walter & Elizabeth Herring, Odin 77 Associates,
and Brandon Stevens (Contract Purchaser)

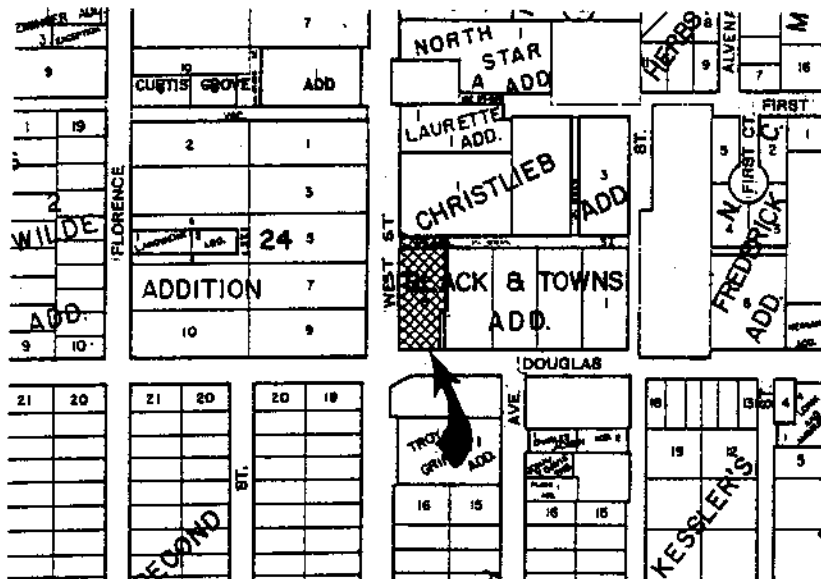
AGENT: Phil Meyer, Baughman Co.

REQUEST: Exception to permit used car sales

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 0.71 Acres

LOCATION: Northeast corner of Douglas and West Street



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, 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 located on the northeast corner of Dougias and West Street. The owners, Walter and Elizabeth Herring and Odin 77 Associates, and the contract purchaser, Brandon Stevens, are requesting an exception to develop the site with a used car sales lot. There are currently two structures on the site, but the structure located on the southern portion of the site will be removed to allow for vehicle display areas. This building is currently being used as a lawn mower repair and sales business. The building that will remain on the site is currently vacant but was once used as a gas/convenience store. This structure will be used as the sales office for the proposed used car sales lot.

The zoning code requires used auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and two spaces per 1,000 square feet of building area for employee parking. The applicants' site will contain a building of 2745 square feet which will require 6 parking spaces for employees and display area of 30,055 square feet which will require 4 parking spaces for customers for a total parking requirement of 10 parking spaces. In addition to the required 10 on site parking spaces, the applicants' site plan indicated 67 display stalls for the used car inventory. Based on the site plan submitted by the applicants and approved by Traffic Engineering, adequate customer and employee parking can be provided.

Since no new buildings are proposed on this site, compliance with the City's landscape ordinance will be required only if the value of the proposed redevelopment exceeds 50% of the value of the existing development. The Board may wish to establish specific landscape requirements to be complied with even if the value of redevelopment is less than 50%.

The adopted Land Use Guide of the Comprehensive Plan identifies this area for commercial uses. The commercial locational guidelines of the Plan recommend that commercial uses not located in planned centers, including auto-related uses, should be guided to areas such as the CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locating where traffic patterns, surrounding land uses and utilities can support such uses. The application area is not located on Kellogg nor is it in the near vicinity of an existing vehicle sales lot. The uses on nearby properties which are currently zoned "LC" and "B" can be characterized as residential, retail sales, office and personal services. The site is also located at the intersection of two busy arterial streets which may create a safety problem with customers test driving unfamiliar vehicles. All of the above factors suggest that maybe this proposed use would not be appropriate for the area.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Retail Strip Center
SOUTH	"LC"	Office and Restaurant
EAST	"LC"	Retail Strip Center
WEST	"LC" & "B"	Barber shop/undeveloped land/Single Family Dwelling

RECOMMENDATION: Staff is recommending that the use exception "not" be granted. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The request is not compatible with the immediate surrounding area, which is characterized by residential, retail sales, office and personal services uses.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Since the proposed use is not similar to other businesses in the area, the request may detrimentally impact nearby properties by introducing a commercial used vehicles sales use into the area.
3. The suitability of the subject property for the requested use, and the appropriateness of the proposed use for the general area: Although the property is of sufficient size to accommodate the proposed use, its location at the intersection of two busy arterial streets may create a safety problem with customers test driving unfamiliar vehicles.
4. Conformance of the requested change to adopted or recognized plans/policies: The Land Use Guide of the Comprehensive Plan identifies this area for commercial uses. The request is "not" consistent with the Plan's locational guidelines for auto-related uses, which indicate that such uses are appropriate along segments of Kellogg and other areas where these uses already exist.

Staff is recommending that the use exception "not" be granted, but should the Board determine that a used car sales lot is appropriate at this location, it is recommended that the approval be 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 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 areas shall be paved with concrete, asphalt, or asphaltic concrete.
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5. The westernmost existing driveway on Douglas and the two southernmost existing driveways on West Street shall be closed and the curbs and gutters