

7. Prior to use of this site for a car sales business, the driveway to Kellogg just east of Elpyco shall be removed and the curb reinstalled.
8. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting or banners shall be permitted.
9. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted.
10. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
11. 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.

SECRETARY'S REPORT

CASE NUMBER: BZA 12-90

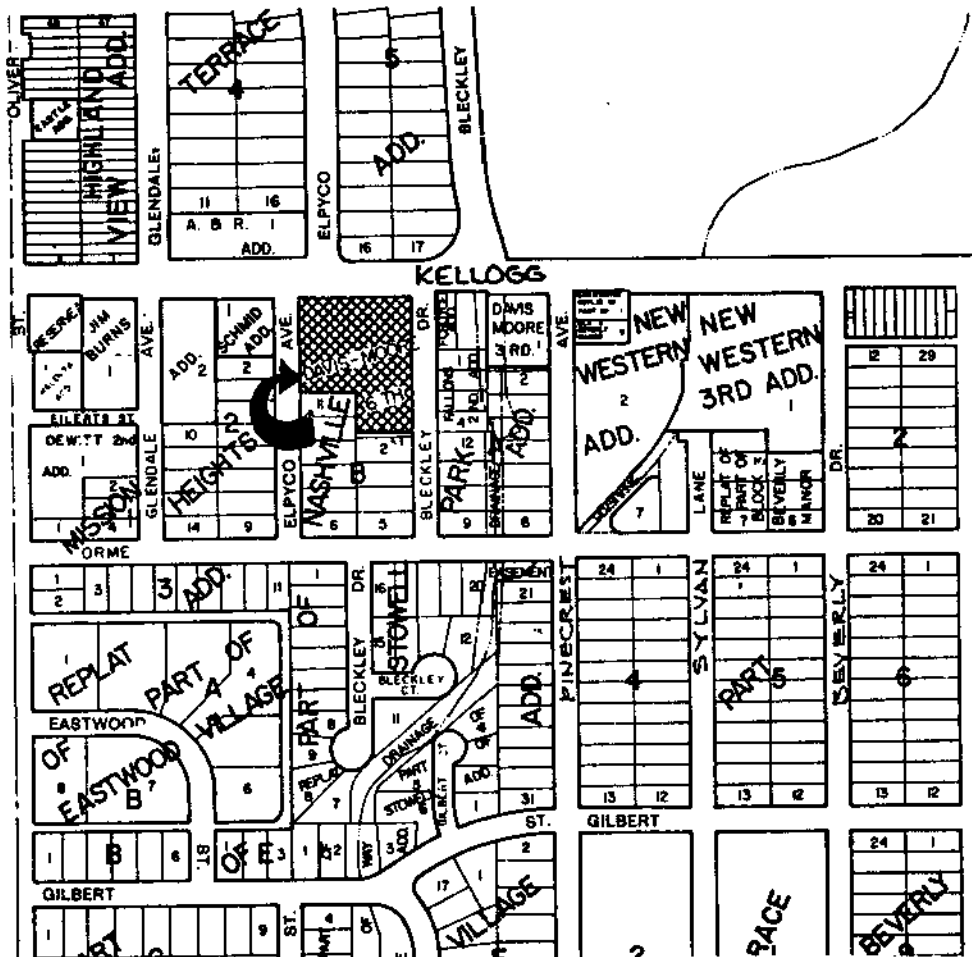
OWNER/APPLICANT/AGENT: T.G. Davis, Jr. (owner/applicant)
Baughman Company (agent)

REQUEST: Exception to permit new and/or used car sales

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 1.75 acres

LOCATION: South side of Kellogg between Elpyco and Bleckley



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 applicant is requesting an exception to permit new and/or used car sales in "LC" zoning on a 1.75-acre recently replatted lot on the south side of Kellogg between Elpyco and Bleckley. There are 3 existing buildings on the site, 2 of which are to remain and be remodeled for sales offices (restaurant and medical building) and 1 of which is to be removed (candy store). The site plan submitted with the application shows that an additional structure will join the 2 remaining buildings into 1. Under the current parking standards, a total of 70 spaces will need to be provided for employees and customers (1/3,000 sq. ft. lot area + 1/250 sq. ft. building area). Under proposed parking standards, this number would be reduced to 33 (2/1st 10,000 sq. ft. lot area + 1/add'l 10,000 sq. ft. lot area + 1/500 sq. ft. building area). The remainder of the parking spaces on the lot could be devoted to display of cars which are for sale. A total of 148 spaces is shown on the proposed site plan. The applicant will be required to provide parking for employees and customers based on the parking regulations in effect at the time of site development, although future alterations can be made if the regulations change.

A letter of credit was submitted with the recent plat guaranteeing closure of the existing driveway to Kellogg just east of Elpyco. Ten feet of additional right-of-way was dedicated for Kellogg and shall not be utilized as part of this car sales business. Sign posts for the 3 existing (or former) businesses on this site which are within the dedicated right-of-way shall not be utilized for this new business and shall be removed prior to the use of this property for a car sales business.

Single-family homes exist to the south of this property and to the west adjacent to the south 90 feet on Elpyco and to the east adjacent to the south 150 feet on Bleckley. These residential uses need to be protected with screening and landscaping where possible. It is recommended that a 6-foot-tall solid wood fence be installed along the entire south property line from Elpyco to Bleckley, with the height being gradually reduced to 3 feet within the west 20 feet. The 6-foot fence shall continue along Bleckley at the east edge of the paved parking lot until it meets the east-west driveway. This segment of fence shall be gradually reduced to 3 feet in height within the north 20 feet. A minimum of 5 trees shall be planted on Bleckley south of the south driveway and a minimum of 3 street trees shall be planted on Elpyco adjacent to the south 90 feet of this site. The applicant shall submit a landscape plan to the Secretary for review and approval which specifies the name and size of plants to be installed and how they will be watered.

ADJACENT ZONING AND LAND USE:

NORTH	"B" & "LC"	Four-family dwellings
SOUTH	"A" & "RB"	One-family dwellings
EAST	"A", "RB" & "B"	One-family dwellings, parking lot, medical clinic
WEST	"RB" & "LC"	One-family dwellings and car sales lot

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

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive 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.
2. For car sales purposes, this property shall be developed in accordance with the site plan submitted with this application. All vehicle storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Curbs, bumper blocks, or posts and chains shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
3. Parking spaces for employees and customers shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's Office. 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).
4. A 6-foot-tall wood fence shall be constructed along the entire south property line from Elpyco to Bleckley, with the height being gradually reduced to 3 feet within the west 20 feet. The 6-foot fence shall continue along Bleckley at the east edge of the paved parking lot until it meets the east-west driveway. This segment of fence shall be gradually reduced to 3 feet in height within the north 20 feet. These fences shall be maintained in good repair at all times and replaced or repaired as necessary.
5. Within 90 days following BZA approval and prior to release of the resolution authorizing this use exception, the applicant shall submit 4 copies of a landscape plan to the Secretary for review and approval which specify plant materials for the south 90 feet of the Elpyco frontage (a minimum of 3 street trees) and for the Bleckley frontage south of the southernmost driveway. The Bleckley landscaping shall provide for a minimum of 5 trees and grass and may include shrubs and other groundcovers. The landscape plan shall specify the names of the plant materials, the size at planting, and the method of providing water to the plant materials. All plants shall be installed prior to use of this site for a car sales business.
6. Prior to use of this site for a car sales business, the 3 sets of sign posts existing in Kellogg right-of-way shall be removed.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

October 15, 1990

Mr. T.G. Davis, Jr.
6215 E. Kellogg
Wichita, KS 67218

Re: BZA 12-90 - Exception to permit new and/or used car sales on property zoned the "LC" Light Commercial District, located on the south side of Kellogg between Elpyco and Bleckley.

Dear Mr. Davis:


Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 24, 1990. 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 #5 has been completed.

Before I approved the landscape plan, as identified by the label "Revised 10-10-90 SLM", I changed the location of the three pear trees on Elpyco so that one of them is south of the driveway. The requirement was that at least three trees be placed within the south 90 feet of the property. Of course, additional trees may be planted further north, but they would be across the street from commercial property.

Please note the other conditions of approval, especially #4, #6 and #7, which must be complied with prior to the use of this property for a car sales lot.

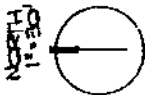
If you have any questions concerning this matter, please call our office.

Sincerely,

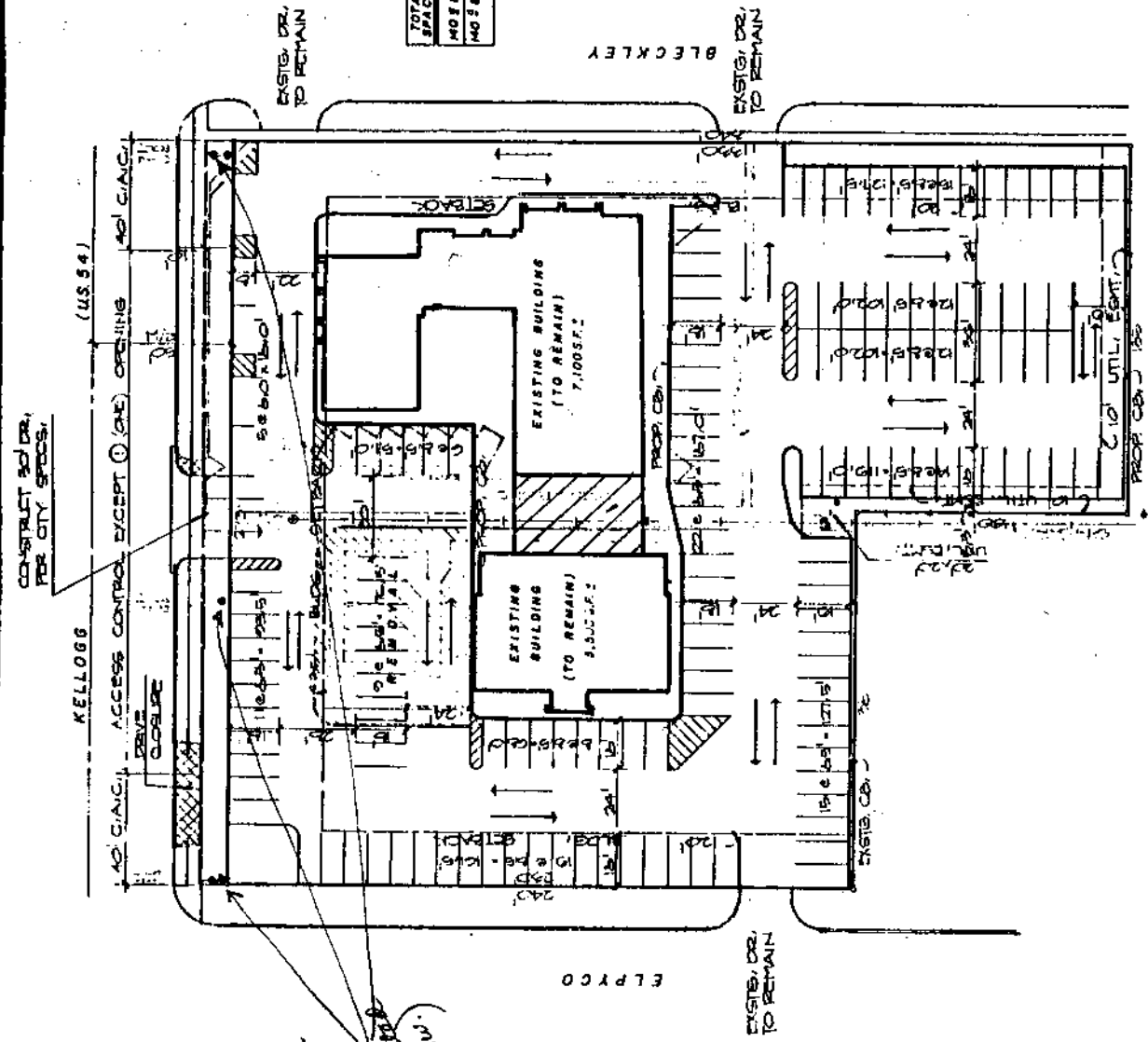

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Everett Fettis, 120 S. Market, Ste. 504, 67202
Sam L. Mobley, 420 S. Ridge Road, 67209
Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk



*Revised
Plan
(in 1000 sq ft)*



TOTAL SPACES	"PARKING RATIO"	PER 1,000
140 ± 15	EXISTG TOTAL S.F. (approx.) = 10,100	13.86/1000
140 ± 15	PROP. TOTAL S.F. (approx.) = 11,500	16.17/1000

BZA 12-90
Approved Site Plan

PARKING LAYOUT
DAVIS - MOORE STM ADON.

SAUGHRIAS COMPANY P. A.
SURVEYING & ENGINEERING
2400 W. 10th St., Suite 100, Lincoln, NE 68502
TEL: 402-441-1100

DATE	NO.	BY	DATE	NO.	BY
12-90	1	SA	12-90	1	SA

5. Within 90 days following BZA approval and prior to release of the resolution authorizing this use exception, the applicant shall submit 4 copies of a landscape plan to the Secretary for review and approval which specify plant materials for the south 90 feet of the Elpyco frontage (a minimum of 3 street trees) and for the Bleckley frontage south of the southernmost driveway. The Bleckley landscaping shall provide for a minimum of 5 trees and grass and may include shrubs and other groundcovers. The landscape plan shall specify the names of the plant materials, the size at planting, and the method of providing water to the plant materials. All plants shall be installed prior to use of this site for a car sales business.
6. Prior to use of this site for a car sales business, the 3 sets of sign posts existing in Kellogg right-of-way shall be removed.
7. Prior to use of this site for a car sales business, the driveway to Kellogg just east of Elpyco shall be removed and the curb reinstalled.
8. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting or banners shall be permitted.
9. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted.
10. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
11. 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.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1990.



Keith Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 12-90

WHEREAS, T.G. Davis, Jr., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit new and/or used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Davis Moore 6th Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Elpyco and Bleckley.

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 24, 1990, 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 new and/or used car sales 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 new and/or used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Davis Moore 6th Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Elpyco and Bleckley.

subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive 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.
2. For car sales purposes, this property shall be developed in accordance with the site plan submitted with this application. All vehicle storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Curbs, bumper blocks, or posts and chains shall be installed along all perimeter boundaries, except at driveway entrances or where fences are erected to ensure that parked vehicles do not encroach onto public right-of-way.
3. Parking spaces for employees and customers shall be provided on the property as required by the zoning ordinance and in conformance with the standards established by the Traffic Engineer's Office. 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).
4. A 6-foot-tall wood fence shall be constructed along the entire south property line from Elpyco to Bleckley, with the height being gradually reduced to 3 feet within the west 20 feet. The 6-foot fence shall continue along Bleckley at the east edge of the paved parking lot until it meets the east-west driveway. This segment of fence shall be gradually reduced to 3 feet in height within the north 20 feet. These fences shall be maintained in good repair at all times and replaced or repaired as necessary. For all new portions of fence, the support members shall be on the inside.