

POSTED
5-19-83

ACTION

BZA 21-83 APPROVED 5-31-83
DATE

Case closed 8-11-83

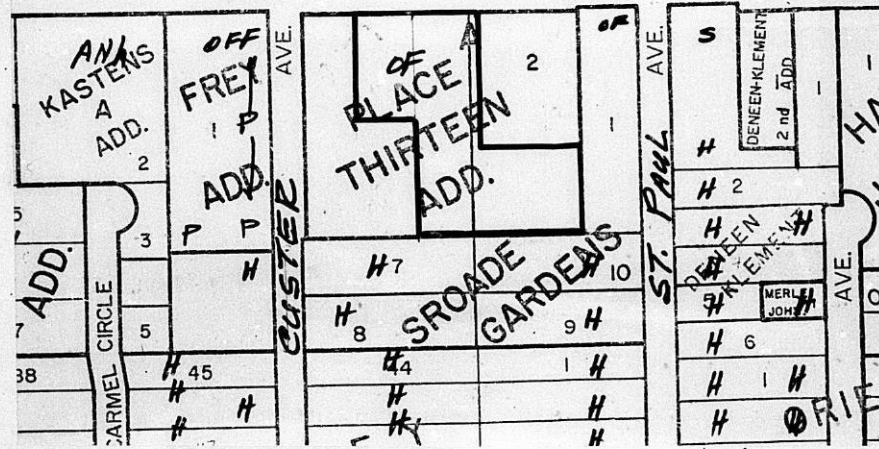
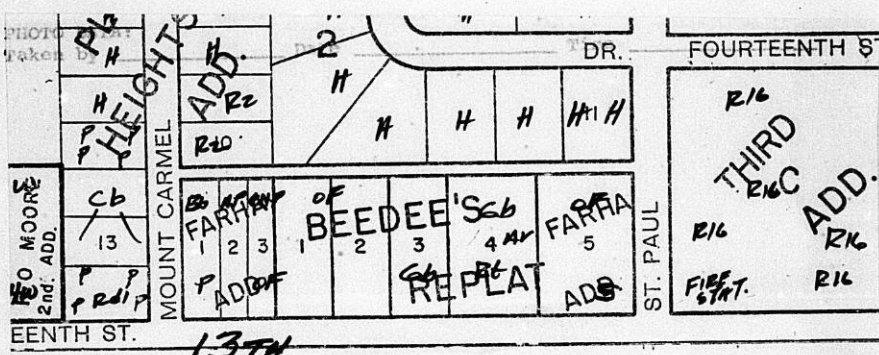
Application refiled under
revised legal description.

Case No. BZA 21-83 - Keith L. Anderson
1125 South Rock Road, Wichita, Kansas,
requests an exception to permit the
construction of residential storage
warehouses on property zoned the "LC"
Light Commercial District and generally

Map No. 5248
 Sec. 13
 Twp. 27
 Range 11W

BZA- 21-83
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA: (IRREGULAR)
- Acres: 2.4 (300 ft. by 400 ft.)
 - Adjoining Zoning: E _____ S _____ W _____ N _____
 - Land Use: East UNDEVELOPED South SINGLE FARM
 West UNDEVELOPED North GEN. BUSINESS
 - Sketch Plan Land Use is for: _____
 - Present Land Use if for: UNDEVELOPED
 - Area (is) (is not) platted.



Shimada
 No. 2153C
 HASTINGS, MN
 LOS ANGELES, CHICAGO, LOGAN, OH
 MEMPHIS, TX; LOCUST GROVE, GA
 U.S.A.

7-12-83

Applicant refiled case.
Unable to close deal
on land to complete
plotting.

G. LITTLE

File closed.

June 3, 1983

Keith L. Anderson
1125 South Rock Road
Wichita, Ks.

Re: BZA 21-83 - Request for Exception

Dear Mr. Anderson:

At the regular meeting of the Board of Zoning Appeals on May 31, 1983, your request for an exception was considered. It was the action of the Board to approve your request subject to the following conditions:

1. Prior to the release of the Resolution authorizing the construction of Residential Storage Warehouses, the applicant shall replat the area included in the application area which must be 2 acres or more.
2. A 15' landscaped yard shall be provided along the south property line that is adjacent to the "AA" Single-family Dwelling District.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the south of the property at the required 15' setback line wherever the buildings do not provide the screening. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant.
5. Any side of the buildings providing access to storage areas shall maintain a 25' setback from the property line.
6. Off-street parking shall be provided by ordinance on the basis of the total square feet of floor area in the facility.
7. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate

- bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
 9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
 10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
 11. On-site ground or pole signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
 12. The area shall be properly policed by the owner or operator for removal of trash and debris.
 13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
 14. No outdoor storage of any kind shall be permitted on the premises.
 15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
 16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent to assure compliance that no commercial storage is occurring in violation of this resolution.
 17. Only one point of ingress/egress shall be permitted to/from subject project. That access being from 13th Street.
 18. All areas not paved as required by condition of approval #7 shall be landscaped with deciduous and coniferous plant materials. Provisions shall be made for watering and maintaining the landscaping in good condition.
 19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.

A Resolution setting forth the official action of the Board will be mailed to you upon compliance with condition number 1 above.

BZA 21-83 - Page B

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE May 23, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Robert Tillman, Administrative Aide III

SUBJECT BZA 21-83: Generally located on
the South side of 13th Street,
between St. Paul and Custer Street

At its Wednesday, May 18th, CPO Neighborhood Area "N" meeting, the Council voted unanimously to recommend approval of BZA 21-83, a request for an exception in order to construct Residential Storage Warehouses on property zoned "LC" Light Commercial District. The recommendation for approval was subject to the nineteen conditions recommended by the MAPD Secretary.

The applicant, Keith Anderson, was present to speak to the Council. There were no area residents present to speak in support or opposition to the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 21-83 is considered at its Tuesday, May 31st meeting.



Robert Tillman
Administrative Aide III

SECRETARY'S REPORT
CASE NO. BZA 21-83

APPLICANT: Keith L. Anderson, 1125 South Rock Road,
Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.183.5 Code
of the City of Wichita to permit the construction
of Residential Storage Warehouses in the "LC" Light
Commercial District.

GENERAL LOCATION: On the south side of 13th Street between Custer
and St. Paul.

ZONING: Subject property is zoned the "LC" Light Commercial
District as are the properties to the west, north
and east. To the south is "AA" One-family Dwelling
District.

LAND USE: Subject property is vacant. Property to the east
is developed as offices and an electronic game room.
To the west are residential and commercial uses. To
the south are residential properties. To the north
commercial development.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.5 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to construct Residential Storage Warehouses in the "LC" Light Commercial District. The property is slightly over 2 acres in size which meets the minimum requirement set forth in the zoning ordinance. The property is adjacent to residential zoning on the south, therefore the design of the facility must be compatible to the residential development and approved by the Superintendent of Central Inspection. The 25' setback adjacent to the residential district shall be maintained as a landscaped yard.

The applicant is a contract purchaser of the property included in the application. This applicant had submitted an application on a similar area at this general location approximately one year ago, and was subsequently withdrawn after a legal opinion was rendered that disallowed the request because the property was slightly less than the two acre requirement. There was also some controversy over the use of part of the application area by the adjacent game room as required off-street parking.

The applicant has now secured additional land to the west and has agreed to sell, that portion of the property needed for the game room parking, to the adjacent property owner. The property when originally platted was platted into two lots. Prior to the last application, a lot split approval was obtained. Now with the shift of property lines, not in conformance of the previous approval, the applicant has been advised he should replat his ownership. Any approval should include such a condition.

RECOMMENDATION:

Should the Board determine that Residential Storage Warehouses are appropriate at this location, then it is the Secretary's recommendation that the application be approved subject to the following conditions:

1. Prior to the release of the Resolution authorizing the construction of Residential Storage Warehouses, the applicant shall replat the area included in the application area.

2. A 25' landscaped yard shall be provided along the south property line that is adjacent to the "AA" Single-family Dwelling District.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the south of the property at the required 25' setback line wherever the buildings do not provide the screening. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant.
5. Any side of the buildings providing access to storage areas shall maintain a 35' setback from the property line.
6. Off-street parking shall be provided by ordinance on the basis of the total square feet of floor area in the facility.
7. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
11. On-site ground or pole signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
14. No outdoor storage of any kind shall be permitted on the premises.
15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent to assure compliance that no commercial storage is occurring in violation of this resolution.
17. Only one point of ingress/egress shall be permitted to/from subject project. That access being from 13th Street.
18. All areas not paved as required by condition of approval #7 shall be landscaped with deciduous and coniferous plant materials. Provisions shall be made for watering and maintaining the landscaping in good condition.
19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.

BZA CASE NO. 21-83

1 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

25 NOTICES SENT TO ADJOINING PROPERTY OWNERS

36 TOTAL NOTICES SENT 5-11-83

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 21-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Keith L. Anderson, 1125 South Rock Road, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the construction of residential storage warehouses on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

The north 190' of the east 100' of the west 195' of Lot 1, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas; and the east 100' of Lot 1, and all of Lot 2, except the east 184' of the north 240' thereof, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between St. Paul and Custer Streets.

This application has been assigned Case BZA 21-83. It will be considered by the Board of Zoning Appeals on May 31, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 258-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 21-83

CITY OF WICHITA, KANSAS

FILED 5-2-83

APPLICATION FOR EXCEPTION

I. Name of Applicant KEITH L ANDERSON
 Mailing Address 1125 S. Roca RD Phone 685-1711
 Name of Authorized Agent KEITH
 Mailing Address _____ Phone _____
 Relationship of applicant to property is that of contr. purchaser
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section
 2.12.590.C, Code of the City of Wichita, Kansas, to permit
 the establishment of residential storage warehouses

_____ on property zoned the "LC" Light Commercial District
 located on the south side of 13th between St. Paul & Custer
 and legally described as: see attachment

_____, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearings of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Keith L Anderson

Authorized Agent _____

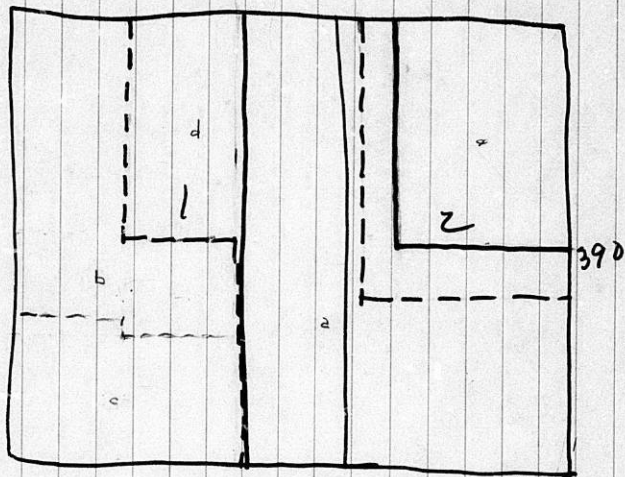
OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:30 ~~4:00~~ p.m.), May 2, 1983, together with appropriate fee of No filing fee ~~_____~~ retic of Case No 22A-10-82

Signed D. Lytle

Indian Hills Mini Storage Legal Description

North 190' of the East 100' of the West 195' of Lot 1,
Block A, Place Thirteen Addition to Wichita, Sedgwick
County, Kansas.

East 100' of Lot 1 and all of Lot 2 except the East ~~101'~~ 184' 48"
of the North ~~250'~~ thereof, Block A, Place Thirteen Addition 244'
to Wichita, Sedgwick County, Kansas.
244'



CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas.

Parcel 1: The north 190' of the East 100' of the west 195' of Lot 1, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas.

Parcel 2: East 100' of Lot 1, and all of Lot 2, except the east 181' of the north 250' thereof, Block A, Place Thirteen Addition to Wichita, Sedgwick County, Kansas.

Parcel 1

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>PLACE THIRTEEN ADDITION</u>	
<u>BLOCK A</u>	

2 East 100 feet of Lot 1, Lot 2, except the east 150 feet of the north 200 feet	✓ Wilbur F. Kruse & Mary T. Kruse 1641 Womer Wichita, Kansas 67203
---------------------------------------------------------------------------------	--------------------------------------------------------------------------

b The north 260 feet of the west 95 feet and the north 90 feet of the south 200 feet of the east 100 feet of the west 195 feet of Lot 1	✓ Max A. Calvin & Leon S. Talbott 2969 N. 13th Wichita, Kansas 67203
-----------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------

c The south 130 feet of the west 95 feet and the east 100 feet of the west 195 feet of the south 110 feet of Lot 1	✓ H. Stan Chilton 300 S. Main Wichita, Kansas 67201
--------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------

d North 200 feet of the east 100 feet of the west 195 feet of Lot 1	✓ <i>settled 5-16-83</i> Grace Y. Dinstead 733 Litchfield Wichita, Kansas 67203
---------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------

SROADE GARDENS

Lot 7

✓ Enid S. Garren & Jack L. Garren
1310 N. Custer
Wichita, Kansas 67203

BEEDEE'S REPLAT

Lots 1

✓ Matthew Investment, Inc.
3108 W. 13th St.
Wichita, Kansas 67203

2 & 3

✓ Richard R. Ayesch & Mildred M. Ayesch
2628 Benjamin
Wichita, Kansas 67204

FARHA ADDITION

Lots 1, 2, & 3

D Matthew, Inc.
3108 W. 13th
Wichita, Kansas 67203

FREY ADDITION

Lot 1

✓ Kansas Childrens Service League
1365 N. Custer
Wichita, Kansas 67203

Parcel 2

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>PLACE THIRTEEN ADDITION</u>	
<u>BLOCK A</u>	

East 100 feet of Lot 1, Lot 2, except the east 150 feet of the north 200 feet	D Wilbur F. Kruse & Mary T. Kruse 1641 Womer Wichita, Kansas 67203
-------------------------------------------------------------------------------	--------------------------------------------------------------------------

Parcel 2 cont'd

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>PLACE THIRTEEN ADDITION CONT'D</u>	
<u>BLOCK A</u>	
The north 260 feet of the west 95 feet and the north 90 feet of the south 200 feet of the east 100 feet of the west 195 feet of Lot 1	D Max A. Calvin and Leon S. Talbott 2969 W. 13th Wichita, Kansas 67203
The south 130 feet of the west 95 feet and the east 100 feet of the west 195 feet of the south 110 feet of Lot 1	D H. Stan Chilton 300 S. Main Wichita, Kansas 67201
North 200 feet of the east 100 feet of the west 195 feet of Lot 1	D Grace Y. Olmstead 733 Litchfield Wichita, Kansas 67203
East 150 feet of the North 200 feet of Lot 2	✓ The Game Room, Inc. 300 S. Main Wichita, Kansas 67202
<u>SROADE GARDENS</u>	
Lot 1	✓ Dr. K.E. Blanchat & Betty M. Blanchat 1816 W. 13th Wichita, Kansas 67203
Lot 7	D Enid S. Garren & Jack L. Garren 1310 N. Custer Wichita, Kansas 67203
Lot 8	✓ Edward R. Toles & Donna V. Toles 1300 N. Custer Wichita, Kansas 67203
Lot 9, except the south 10.61 feet	✓ Donald F. Humfeld & Asela M. Humfeld 1301 N. St. Paul Wichita, Kansas 67203
The south 10.61 feet of Lot 9	✓ James F. Grantham & Delores Irene Grantham 1225 N. St. Paul Wichita, Kansas 67203
Lot 10	✓ Melvin M. Hammer 2801 N. St. Clair Wichita, Kansas 67204 Crandell E. Hammer 2395 Somerset Wichita, Kansas 67204
<u>VALLEY ACRES</u>	
Lot 44	✓ Mary A. Thacker 1220 N. Custer Wichita, Kansas 67203
Lot 1	D James F. Grantham & Delores Irene Grantham 1225 N. St. Paul Wichita, Kansas 67203
<u>DENEEN KLEMENT ADDITION</u>	
Lot 2	✓ D.I. Deneen 1316 N. St. Paul Wichita, Kansas 67203
Lot 3	✓ Jeffrey W. Wright Sonya D. Wright 1312 St. Paul Wichita, Kansas 67203

Parcel 2 cont'd
 DESCRIPTION OWNERS AND ADDRESSES
 DENEEN KLEMENT ADDITION cont'd

Lot 4 Selso Perez and Diane Perez
 1308 N. St. Paul
 Wichita, Kansas 67203

Lot 5 Glenna H. Coulter
 Barbara Jean Norton
 Darlene Guy Overstake
 Aldine M. Johnson
 1304 N. St. Paul
 Wichita, Kansas 67203

BEEDEE'S REPLAT
 Lot 1

Matthew Investment, Inc.
 3108 W. 13th St.
 Wichita, Kansas 67203

Lots 2 & 3 Richard R. Ayesch &
 Mildred M. Ayesch
 2628 Benjamin
 Wichita, Kansas 67204

Lot 4 Beede Clay Co., a general
 partnership
 c/o Phillip F. Farha
 Box 18146
 Wichita, Kansas 67218

FARHA ADDITION
 BLOCK 1

The north 125 feet of Lot 5
returned 5-16-83
 Kansas Counselors, Inc.
 c/o Charles Bartlett
 1622 E. Central
 Wichita, Kansas 67214 67203

Lot 5, except the north 125 feet thereof
returned 5-16-83
 The Universal Motor Fuel, Inc.
 520 S. Main
 Wichita, Kansas 67202
returned 5-16-83
returned 6-28-81
 2824 N. Ohio 67219

Beginning at the Northwest Corner of the
 Northeast Quarter (NE/4) of the Northeast
 Quarter (NE/4) of Section 13, Township
 27 South, Range 1 West; thence south
 247 feet; thence east 164 feet; thence
 north 247 feet; thence west 164 feet to
 beginning, except the north 50 feet, and
 except the west 30 feet thereof for
 streets.

American Oil Company
 7452 N. Meridian
 Wichita, Kansas

Beginning 247 feet south, of Northwest
 Corner of NE $\frac{1}{2}$, NE $\frac{1}{4}$, east 257 feet, south
 83 feet, west 257 feet, north 83 feet
 to beginning of Section 13, Township
 27 South, Range 1 West.

Lewis D. Covington
 1320 N. St. Paul
 Wichita, Kansas 67203

Dated this 25th day of April, 1983, at 7:00 o'clock A.M.

REALTY TITLE CO., INC.

BY Judy Cachard
 JUDY CACHARD

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2