

DR 73-22 Request from Pop Shops of
America to amend Zoning Ordinance
RE: Bottling Works

ACTION

DATE

COMMITTEE _____

M.A.P.C. Denied 11.8.73

B.C.C./B. CO. C. _____

November 9, 1973

Mr. J. Gary Shaw
Executive Vice President
Pop Shoppes of America
Suite 216
4270 North Blackstone Avenue
Fresno, California 93726

Re: DR 73-22 - Request for
amendment of Section
28.04.183 of the Zoning
Ordinance

Dear Mr. Shaw:

At your request, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered, on November 8, 1973, your proposal that paragraphs 1.2 and 1.4 of Section 28.04.183 of the Zoning Ordinance be amended to permit your proposed use in the "LC" Light Commercial District.

This is to advise you that the Planning Commission instructed us not to prepare an amendment to the ordinance. This action still leaves you with the alternative of locating your mixing operations in the "C" Commercial district and your purely retail outlets are a permitted use in Light Commercial.

In our review of new commercial districts to be included in a Revised Zoning Ordinance we are preparing, we will keep your use in mind.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Fred Wendt, Wichita Area Chamber of Commerce
350 West Douglas 67202
Gary Richert, Director, Industrial Development

November 1, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 73-22 - Request from Pop Shoppes of
America to Amend Section 28.04.183 of
the Zoning Ordinance

Attached is a copy of a letter received from Mr. J. Gary Shaw, Executive Vice President, Pop Shoppes of America, requesting that the Planning Commission consider amending the zoning ordinance. They are particularly interested in amending two conditions in Section 28.04.183.1, which authorizes the Board of Zoning Appeals to permit bottling works in the "LC" District subject to ten conditions. Also attached is a brochure of the Pop Shoppes product.

As explained to us, the applicant has an option to purchase property on the north side of Pawnee west of Seneca and has inquired as to the first zoning district that permits their use. The property that they are interested in was recently denied the "C" Commercial classification, and at that time was proposed for the storage and distribution of bakery goods (Z-1552).

The zoning ordinance first permits bottling works in the "C" Commercial zone because of the processing, warehousing and distribution type uses and the truck activity involved. The zoning ordinance, however, was amended a number of years ago to authorize the Board of Zoning Appeals to consider exceptions and authorize bottling works in the "LC" district, subject to certain conditions, such as two acre minimum, 30% lot coverage, adequate setbacks, all materials to be stored completely within a building, etc.

Specifically, the request is for consideration of amending Section 1.1 and 1.4 - having to have a minimum site of two acres and 30-foot side yard setbacks.

Mr. Shaw, in explaining this new use, stated that they need exposure to this "mixing-retail sales business" and that they devote approximately half of the floor space of a building to mixing the soft drink product and storage. He stated that they distribute out of this mixing facility to their other retail outlets that they have around the City. Pictures of the business in other cities indicate the parking of a transport truck on the premises.

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In our discussion with them, we urged that they consider developing only a retail outlet on the property on Pawnee and look for other locations that are already zoned "C" where they could develop their mixing and distribution facility. We advised that consideration of this new use would be given in the writing of the districts in the new zoning ordinance. At this time, the staff is of the opinion that their request will result in heavier activity in the "C" district that may not be appropriate.

Recommendation

Should the Planning Commission desire to amend the zoning ordinance, the action should be to instruct the Planning Department to advertise an amendment of this section for a public hearing.

JHG:ber

Attachments

POP SHOPPES OF AMERICA
SUITE 216
4270 NORTH BLACKSTONE AVENUE
FRESNO, CALIFORNIA 93726

209-226-3463

J. Gary Shaw, Executive Vice President

Mr. Jack Galbraith
Chief Planner
Community Development
Metropolitan Area Planning Commission
104 S. Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

It was certainly a pleasure to meet with you, Glen Lytle, Gary Richert, Fred Wendt and other City and Chamber officials this date to discuss the future of Pop Shoppes of America as it relates to Wichita, Kansas.

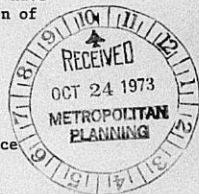
We were encouraged to learn of your concern regarding the future planned growth of Wichita and want to assure you that Pop Shoppes of America shares your objectives.

To bring you up to date, Mr. Ted Benesh and a local realtor have reviewed several additional real estate sites in Wichita which certainly have some possibilities. It is the opinion of Mr. Benesh that if at all possible and in the best interests of Pop Shoppes of America and Wichita, we should pursue our first site selection on West Pawnee just west of Seneca Street as was discussed in your office this date. Therefore, we request that the Metropolitan Area Planning Commission consider an amendment to the City of Wichita zoning ordinances, more specifically, Section 28.04.183. We have reviewed Items 1 through 1.10 and have concluded that we can comply with all items with the exception of the following:

Item 1.2 "The minimum land area - two acres."

Item 1.4 "The minimum setback of any building from the property lines shall be thirty feet; however, the board of zoning appeals may grant a variance to this requirement in unusual conditions."

We feel the minimum land requirement of two acres could possibly restrict the ability of worthy retail firms such as Pop Shoppes of America; therefore, we request the zoning board to give every consideration to treating each firm on an individual basis thus allowing greater flexibility for land usage.



Mr. Jack Galbraith

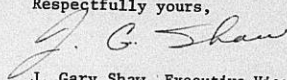
- 2 -

October 23, 1973

In the event that Item 1.2 is satisfied, it should logically follow that Item 1.4 "setback requirements" should be adjusted accordingly.

We trust the above information will suffice in order for the Metropolitan Area Planning Commission to proceed with the necessary amendment request. Should you have a need for additional information please feel free to correspond with me at the above address.

Respectfully yours,



J. Gary Shaw, Executive Vice President

JGS:rw

cc: Ted Benesh
Gary Richert
Fred Wendt

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COST PER CASE	\$1.20	\$1.68
	.07	.08
Bottle and case refundable deposit	2.00	2.00
TOTAL COST	\$3.27	\$3.76

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Purchase
the quart size.

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Nickel PoP is back.



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Phone 420-5030

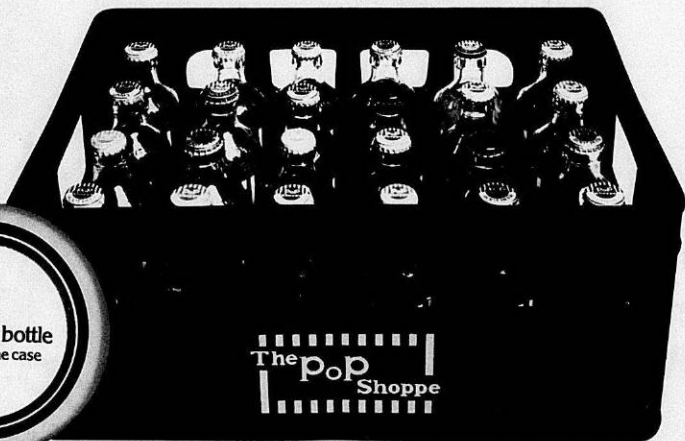
*Trade Mark of Pop Shoppes of America, Inc., New York, N.Y.

The best tasting soft drinks in town for 5¢ a bottle.* Nickel PoP!

*When you buy the case of 24 10-ounce returnables.

Cola
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Cream Soda
Lemon
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Strawberry
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Finally, there's a place in town where you can get all your favorite soft drink flavors for 5¢ a bottle. It's Nickel PoP. And it's right here at The PoP Shoppe.

Just take one of our red cases (so easy to put in the car). Put it on the pushcart. Now walk around picking out all your favorite soft drink flavors. There are at

least 15 to choose from—plus, great tasting diet drinks, in 10 oz. returnables that store easily in your refrigerator. Also available in the large 32 oz. family size.

Either way you're paying less for your favorite soft drink flavor than ever before. Because we make them and sell them direct to you.

Industrial Development

October 15, 1973

Gary W. Richert, Economic and Industrial Development Officer
Ed Roberts, Industrial Development Specialist
Pop Shoppes (Sask.) Ltd.

On October 12, 1973, I received a call from Fred Wendt of the Chamber. Fred indicated he had a Mr. Ted Benesh, President of Pop Shoppes (Sask.) Ltd. in his office and that Mr. Benesh was interested in locating a beverage operation here in Wichita.

Mr. Benesh had located a 38,000 sq. ft. site near the intersection of Seneca and Pawnee and requested information concerning zoning, water, sewer, storm sewer, parking ordinance, sign ordinance and future improvements of Pawnee, if any.

The call from Fred Wendt was at 4:00 p.m. and Mr. Benesh indicated he had a plane to catch at 8:00 p.m. and that he would like the information that day if possible. I indicated we would try and provide the information by 5:00 p.m. and Fred sent Mr. Benesh over to our office.

Chuck Stout assisted in collecting the information requested.

At 5:00 p.m. Chuck and myself met with Mr. Benesh and provided the following information:

1. 12" water line located in Pawnee.
2. 8" S. S. located $\frac{1}{2}$ block north of Pawnee.
3. Present zoning, "LC".
4. 72" Storm Water Sewer in Pawnee.
5. A 300' long raised median is planned at the intersection of Pawnee and Seneca by 1974.
6. It was learned that an operation of this type would not fit in "LC" zoning and that it would need to be located in "C", "E" or "F". This information was obtained from Jack Galbraith of Planning.
7. A copy of the new sign ordinance will be sent to Mr. Benesh.

W. Richert
October 15, 1973
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Other information concerning the operation:

1. 10,000 sq. ft. building on 38,000 sq. ft. site.
2. 700 to 800 sq. ft. of the building will be the bottling operation, remainder will be storage and retail area.
3. Fifteen employees expected to be hired.
4. Bottle 16 different beverages.
5. Company headquarters in Canada.
6. Operation of this type to be opened all across the country.

October 15, 1973

Mr. Ted Benesh, President
Pop Shoppes (Sask.) Ltd.
3321 - 8th Street East
Saskatoon, Saskatchewan

Dear Mr. Benesh:

It certainly was a pleasure to meet with you and learn about your interest and proposed beverage operation in Wichita.

As I indicated to you I would last Friday, I have researched the question concerning the sign ordinance and found that the revision of this ordinance is still in process and until its completion the attached ordinance is in effect.

Those operations being developed under the existing ordinance will not be affected by the changes being made under the revised sign ordinance once it is completed and adopted.

I might mention that there is an amendment to the sign ordinance going before the City Commission for adoption in approximately two weeks concerning signs over public right-of-way, but this should not affect what you have proposed because, as you indicated, your sign will be located near the building.

If I can be of further assistance to you, please feel free to contact our office.

Sincerely,

Edward J. Roberts
Industrial Development
Specialist

EJR/cgf

Attachment