

1. This use exception is granted to Gibson Wholesale Company only and authorizes a business with approximately 50% wholesaling to occur in conjunction with retailing in the "LC" Light Commercial District.
2. Within one year following approval of this use exception by the Board and prior to the issuance of any building permit, the applicant shall plat the unplatted portion of this application area. The BZA resolution shall not be released until the plat has been recorded with the Register of Deeds.
3. Prior to occupancy of the new building, a solid screening fence or wall 6 to 8 feet in height shall be installed along the north property line of the application area to reasonably hide from ground level view all loading docks and trash receptacles.
4. Paved parking in accordance with all parking code requirements shall be provided prior to occupancy of any new building on this site. Since one parking lot will be shared by all businesses at this commercial site, the entire lot shall be striped in accordance with the approved site plan prior to occupancy of any new building.
5. The second driveway north of Central on the east side of Mount Carmel, which is currently blocked off with posts embedded in the ground, shall be removed and the curb reconstructed prior to occupancy of any new building on the application area.
6. All inventory, merchandise and equipment shall be completely within an enclosed building and any vehicles used in the business which are to remain on site overnight shall be stored within the main structure. Unless the loading dock area is completely screened from view from the adjacent residential areas to the north, vehicles may be parked at the loading dock only when they are being loaded or unloaded.
7. Signs shall be limited to those permitted by Section 28.04.139 of the Zoning Ordinance for the "LC" district.
8. All lights shall be shielded to reflect or direct light away from adjoining properties, especially residential properties.
9. No sound-projecting devices shall be used so as to be heard outside of an enclosed building.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5

February 28, 1989

SECRETARY'S REPORT

CASE NUMBER:

BZA 3-89

OWNER/APPLICANT/AGENT:

Vic Riffel, Gibson Wholesale Company
(owner/applicant)
Max Christensen, Architect (agent)

REQUEST:

Exception to permit the establishment of a
business not purely retail and including some
wholesale.

CURRENT ZONING:

"LC" Light Commercial District

SITE SIZE:

142.5 ft. x 330 ft. (1.1 acres)

LOCATION:

North side of Central in an area east of
Mount Carmel.



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 28.04.183.6 can be complied with.

BACKGROUND: The applicant is requesting permission to construct a building within the "LC" district which will house a business whose sales volume is about 50% retail and 50% wholesale. Beauty aids are the main products sold by this business, according to the applicant's agent. In future years, it is anticipated that this business will become more predominantly a retail operation. The new building will be attached to the east side of the building which now houses Aldi Food Store and Barney's Discount Center and which is located at the northeast corner of Central and Mt. Carmel. In accordance with Section 28.04.183.6 of the Zoning Ordinance, the Board has authority to authorize within the Light Commercial District "uses not purely retail, and including some wholesale". Ten conditions of approval are listed in the Zoning Ordinance. The applicant's agent has stated that two half-ton vans will be used in the business, but will not be left on the site at night. During the day they will be parked out front, unless they were in the process of being loaded at the rear dock.

Most of the application area is unplatted; however, the west 20 feet is part of Lot 1, Dotzours' Addition and part of a dead-end platted alley north of Lot 1. Platting should be required as a condition of approving this use exception and at the time of platting, the issue of the dead-end alley will have to be resolved. The alley could possibly be required to be extended, or terminated with a turnaround, or vacated. It could also be left as a dead-end alley.

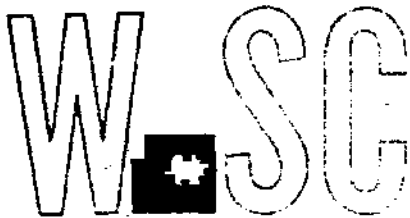
Screening is required when the rear of a commercial development abuts a residential district. However, when an alley separates the two uses and the commercial building is built right up to the alley, there is no room for a screening fence or wall. That is what has happened on the Dotzours' Addition property. Screening is also required on all development "sufficient to reasonably hide from ground level view all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses." (See 28.04.160.K.) Screening requirements should be specified as a condition of this use exception to ensure proper protection for adjacent residential districts.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwellings
SOUTH	"LC"	New commercial business (under construction)
EAST	"LC"	Medical office
WEST	"LC"	Retail sales

RECOMMENDATION: Should the Board determine that a business not purely retail and including some wholesale is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

March 1, 1989

Max Christensen
1532 S. Washington
Wichita, KS 67211

*3-3-89
Resolution should not
have been released
until plot was
recorded*

Re: BZA 3-89 - Exception to permit the establishment of a
business not purely retail and including some wholesale on
the north side of Central in an area east of Mt. Carmel.

Dear Mr. Christensen:

Enclosed is a signed copy of the above-referenced BZA resolution
adopted by the Board of Zoning Appeals on February 28, 1989.
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 contact our office.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Vic Riffel, Gibson Wholesale Co., 928 W. Douglas, 67203
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 3-89

WHEREAS, Gibson Wholesale Company, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a business not purely retail and including some wholesale on property zoned the "LC" Light Commercial District and legally described as follows:

The South Half of a tract described as beginning 760 feet East of the SW corner of the SE Quarter of Section 13, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence West 122.5 feet; thence North 660 feet; thence East 122.5 feet; thence South to the point of beginning; AND the east 20 feet of Dotzour's Addition, including the east 20 feet of the alley adjacent thereto on the north. Generally located on the north side of Central in an area east of Mt. Carmel.

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 28, 1989, 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 the establishment of a business not purely retail and including some wholesale on property zoned the "LC" Light Commercial District, subject to the conditions outlined in Section 28.04.183.6, 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 the establishment of a business not purely retail and including some wholesale on property zoned the "LC" Light Commercial District and legally described as follows:

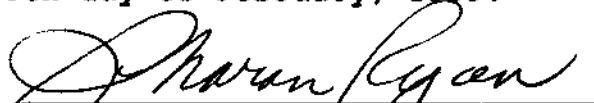
The South Half of a tract described as beginning 760 feet East of the SW corner of the SE Quarter of Section 13, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence West 122.5 feet; thence North 660 feet; thence East 122.5 feet; thence South to the point of beginning; AND the east 20 feet of Dotzour's Addition, including the east 20 feet of the alley adjacent thereto on the north. Generally located on the north side of Central in an area east of Mt. Carmel.

subject to the following conditions:

1. This use exception is granted to Gibson Wholesale Company only and authorizes a business with approximately 50% wholesaling to occur in conjunction with retailing in the "LC" Light Commercial District.
2. Within one year following approval of this use exception by the Board and prior to the issuance of any building permit, the applicant shall plat the unplatted portion of this application area. The BZA resolution shall not be released until the plat has been recorded with the Register of Deeds.
3. Prior to occupancy of the new building, a solid screening fence or wall 6 to 8 feet in height shall be installed along the north property line of the application area to reasonably hide from ground level view all loading docks and trash receptacles.
4. Paved parking in accordance with all parking code requirements shall be provided prior to occupancy of any new building on this site. Since one parking lot will be shared by all businesses at this commercial site, the entire lot shall be striped in accordance with the approved site plan prior to occupancy of any new building.
5. The second driveway north of Central on the east side of Mount Carmel, which is currently blocked off with posts embedded in the ground, shall be removed and the curb reconstructed prior to occupancy of any new building on the application area.
6. All inventory, merchandise and equipment shall be completely within an enclosed building and any vehicles used in the business which are to remain on site overnight shall be stored within the main structure. Unless the loading dock area is completely screened from view from the adjacent residential areas to the north, vehicles may be parked at the loading dock only when they are being loaded or unloaded.
7. Signs shall be limited to those permitted by Section 28.04.139 of the Zoning Ordinance for the "LC" district.
8. All lights shall be shielded to reflect or direct light away from adjoining properties, especially residential properties.
9. No sound-projecting devices shall be used so as to be heard outside of an enclosed building.

BZA 3-89 Resolution
Page 3

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1989.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary