

BZA 15-92 Secretary's Report

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3. The screening and landscaping required by DP-15 along the west side of this site shall be maintained in good condition at all times and replaced when necessary.
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.
6. Release of this resolution shall supersede and make null and void Resolution No. BZA 7-86.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4

June 23, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 15-92

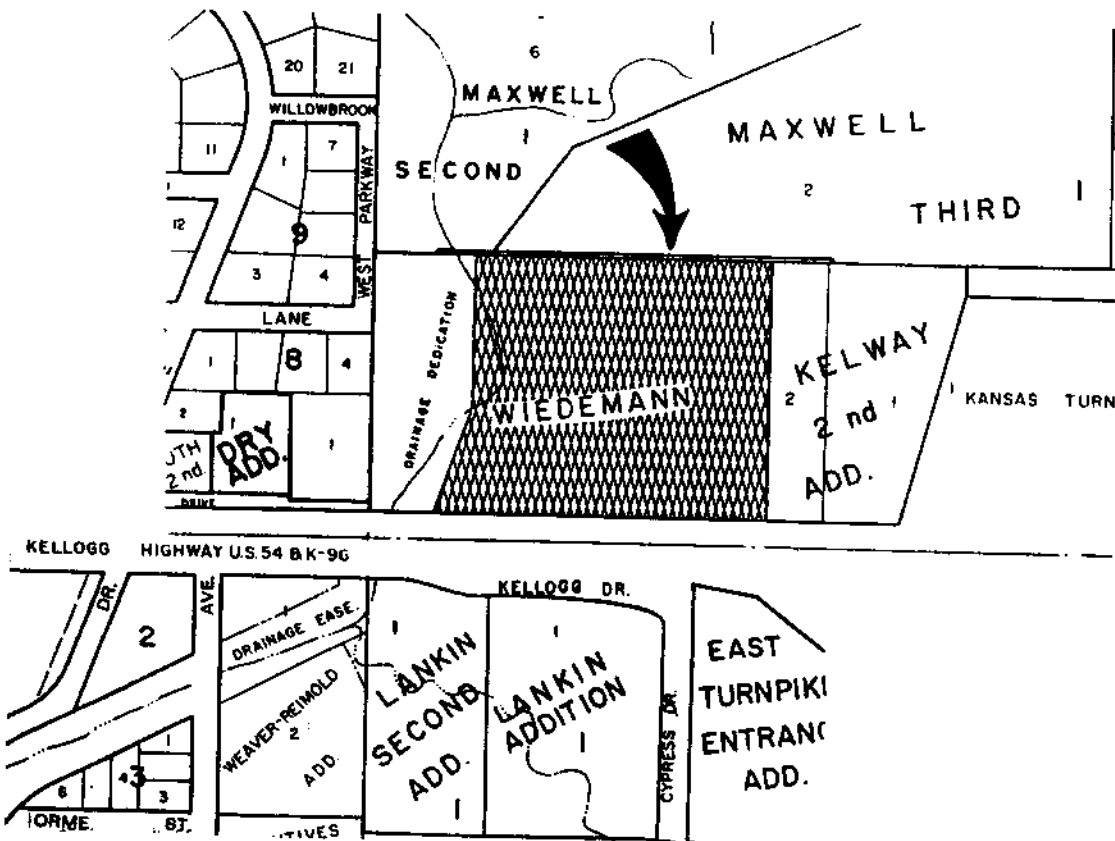
OWNER/APPLICANT/AGENT: K-Mart (owner/applicant)
James A. Sheldon (agent)

REQUEST: Exception to permit an outside garden center

CURRENT ZONING: "LC" Light Commercial District w/DP-15

SITE SIZE: 9.5 acres

LOCATION: North side of Kellogg, approximately 1/2-mile west of Webb Road (8600 E. Kellogg)



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 28.04.183.7 can be complied with.

BACKGROUND: In 1986, K-Mart was granted a use exception for a garden center at this east Kellogg store, subject to the garden center being no larger than 8,500 square feet and being located adjacent to the west side of the building. In early 1991, staff reviewed and approved a slight modification of the garden center plans, but all plant storage areas were still located west of the building and the 8,500-square-foot limitation specified by BZA 7-86 was still maintained.

This spring, the store established a plant display, storage and sales area in the south parking lot. Central Inspection notified the store manager that this was a violation of the "LC" zoning district, as well as the previous use exception for a garden center. The plants were eventually removed and the manager applied for a new use exception.

The site plan submitted with this application shows a 60-foot by 84-foot (5,040 sq. ft.) area south, southwest of the building for the requested unenclosed garden center site. The garden center area just west of the building is to remain. It is 7,425 square feet, not including 1,800 square feet located within ten feet of the building, as permitted in the "LC" district. Under this proposal, there would be a total of 14,265 square feet devoted to garden center use.

Because of the high volume of traffic on east Kellogg and the numerous vehicle-oriented businesses, the area has more the appearance of a "C" commercial neighborhood than of an "LC" light commercial one. This and the relative isolation of this site from incompatible uses, specifically the single-family dwellings to the northwest across the drainage channel, make it an appropriate location for limited outdoor retail uses. However, one site development factor may be a hindrance to this requested use and that is the parking requirement. It is reported by Central Inspection that 448 parking spaces are required for the existing store and garden center. An additional 20 will be required for the new 5,040-square-foot unenclosed garden center area for a total of 468 required spaces. The applicant has stated that 493 spaces exist (although the site plan shows 505 spaces). However, the use of 5,040 square feet of the parking lot will reduce the number of available spaces. By the applicant's calculation, only 16 spaces will be lost. It would appear from reviewing the site plan that all 34 spaces accessed by this southbound travel aisle will be eliminated because there will be no way to get into the remaining 18 spaces. This means that location of the proposed garden center as shown would reduce the number of spaces available on site to 459, which is nine less than the 468 required. Perhaps the garden center location could be moved one aisle west so that the south portion of the rows accessed by that northbound aisle could still be used if alternate outlets to the east and west are provided. Preliminary calculations, made without a scaled drawing to work from, indicate that only 28 spaces, rather than 34, would have to be eliminated.

If the total number of currently available parking spaces really is 505 as shown, not 493 as stated in the applicant's letter, either aisle could be used for the garden center with adequate spaces remaining. The Secretary was unable to verify what number of parking spaces actually exist, as every site plan submitted to the City since K-Mart was first constructed has shown a slightly different parking lot layout.

The applicant should determine the correct number of existing parking spaces and confirm that the layout of the parking lot is indeed as shown on the plan submitted with this application. If the number or layout is different, a revised site plan shall be submitted to the Board prior to their meeting.

The screening and landscaping requirement of the associated C.U.P. for the north portion of the west line of this property has been an item of concern for many years. Because of the cool, wet weather this spring, the existing plant growth, in conjunction with the existing metal fence, adequately screens the present garden shop facilities located west of the building. It should be required to be maintained in healthy condition and in accordance with the approved landscape plan as a condition of this additional outdoor retail activity. Also, as a means of regulating the aesthetics of this outdoor sales area, it is recommended that only plants be permitted in the south display area and all other garden center materials, such as bagged fertilizer, landscape rock, soil, garden hoses, etc. be restricted to the area west of the building.

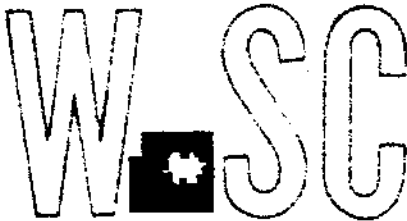
ADJACENT ZONING AND LAND USE:

NORTH	"LC" w/DP-116	Undeveloped and Marriott hotel parking lot
SOUTH	"C" w/DP-38	Joe Self car dealership
EAST	"LC" w/DP-15	Silo appliance store
WEST	"AA" and "LC"	Drainage ditch, one-family dwellings, and future car sales lot

RECOMMENDATION: Should the Board determine that an outdoor garden center is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The outdoor garden center uses at 8600 E. Kellogg shall not exceed 14,265 square feet, including outdoor storage which is permitted in the "LC" district within ten feet of the building. Of this total, no more than 5,040 square feet shall be located south of the building.
2. Only plants shall be permitted in the garden center area south of the building. All other related garden center items, such as bagged fertilizer, landscape rock, soil, garden hoses, etc. shall be restricted to the 9,225-square-foot garden center area west of the building.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

July 9, 1992

James A. Sheldon
K Mart 4174
8600 E. Kellogg
Wichita, KS 67207

Re: BZA 15-92 - Exception to permit display and sale of trees,
shrubs, and landscaping materials on the parking lot (out-
side garden center) at 8600 E. Kellogg.

Dear Mr. Sheldon:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 23, 1992. 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 2 has been completed.

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

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

6. The full width of the east-west access aisle and fire lane easement in front of the building shall remain free of all garden center items.
7. Release of this resolution shall supersede and make null and void Resolution No. BZA 7-86.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1992.



Mitchell Faroh, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 15-92

WHEREAS, K-Mart, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit an outside garden center on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Block 1, Wiedemann Addition, Wichita, Kansas, except that part replatted as Kelway 2nd Addition. Generally located on the north side of Kellogg, approximately 1/2-mile west of Webb Road (8600 E. Kellogg).

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 June 23, 1992, 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 an outside garden center on property zoned the "LC" Light Commercial District, subject to the conditions outlined in Section 28.04.183.7, 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 an outside garden center on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Block 1, Wiedemann Addition, Wichita, Kansas, except that part replatted as Kelway 2nd Addition. Generally located on the north side of Kellogg, approximately 1/2-mile west of Webb Road (8600 E. Kellogg).

subject to the following conditions:

1. The outdoor garden center uses at 8600 E. Kellogg shall not exceed 12,465 square feet, excluding outdoor displays which are permitted in the "LC" district within ten feet of the building. Of this total, no more than 5,040 square feet shall be located south of the building and shall be no nearer the south property line than 100 feet and no nearer the west property line than 24 feet. The remaining 7,425 square feet shall be confined to the west side of the building and shall be no nearer the north property line than 100 feet and no nearer the west screening fence than 40 feet.
2. Prior to release of the resolution authorizing this use exception, the applicant shall submit six copies of a revised site plan, drawn to scale on paper no larger than 11"x17", which shows the existing parking layout and both garden center areas. The garden center areas shall be dimensioned. Any future changes in the dimensions and locations of the outdoor garden center areas shall be subject to review and approval of the Superintendent of Central Inspection and the Secretary of the Board of Zoning Appeals. Modifications may be made, provided they are determined to be in conformance with all conditions of this resolution and Section 28.04.183(7) of the zoning ordinance.
3. The screening and landscaping required by DP-15 along the west side of this site shall be maintained in good condition at all times and replaced when necessary.
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.