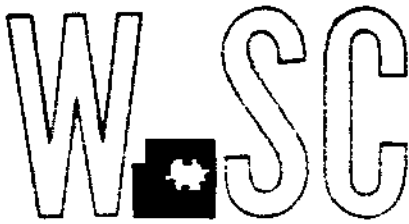


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

December 16, 1991

Bill Korber
Baughman Co.
315 Ellis
Wichita, KS 67211

Re: BZA 29-91 - Exception to permit an outside garden center on property zoned "LC" Light Commercial (w/DP-111), located on the east side of Rock Road in an area north of 29th Street North (3030 N. Rock Road).

Dear Bill:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on November 26, 1991. 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.

Enclosed is a copy of the approved site plan, also for your files. If you have any questions concerning this matter, please contact our office.

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Mike Davison, Wal-Mart Manager, 3030 N. Rock Road, 67216
Wal-Mart Properties, Inc. 701 S. Walton Blvd., Mitchell
Building, Bentonville, AR 72716
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

BZA RESOLUTION NO. 29-91

WHEREAS, Wal-Mart Properties, 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 (with DP-111) and legally described as follows:

Lot 7, except the east 440 feet thereof, Mediterranean Plaza Commercial Second Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area north of 29th Street North (3030 N. Rock Road).

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 November 26, 1991, 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 (with DP-111), subject to the conditions outlined in Section 28.04.183.7, Code of the City of Wichita.

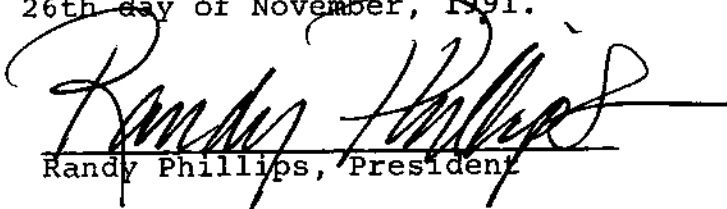
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit an outside garden center on property zoned the "LC" Light Commercial District (with DP-111) and legally described as follows:

Lot 7, except the east 440 feet thereof, Mediterranean Plaza Commercial Second Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area north of 29th Street North (3030 N. Rock Road).

subject to the following conditions:

1. Parking shall be provided as required by City code for all uses on this site.
2. The area utilized for outdoor garden center display and sales shall be limited in area to 112 feet x 236 feet and located as noted on the site plan submitted with this application.

ADOPTED AT WICHITA, KANSAS, this 26th day of November, 1991.


Randy Phillips, President

ATTEST:


Louise Olivarez, Secretary

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 2

November 26, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 29-91

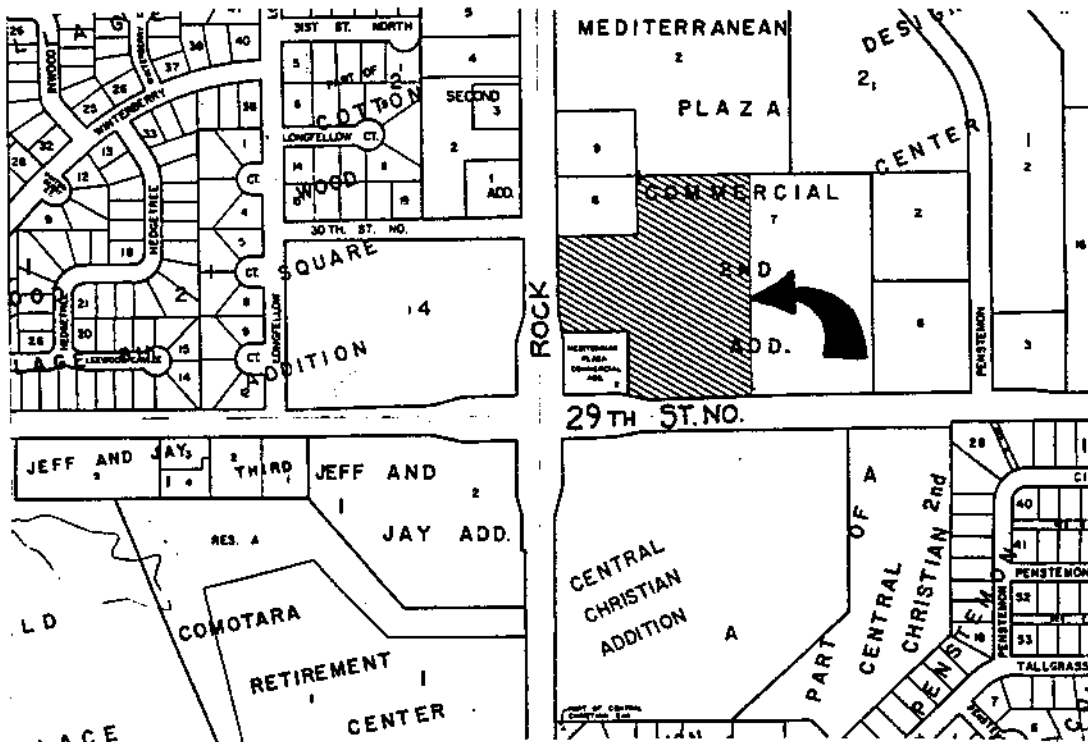
OWNER/APPLICANT/AGENT: Wal-Mart Properties, Inc. (owner/applicant)
Baughman Company (agent)

REQUEST: Exception to permit an outside garden center

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 7½ acres (total Wal-Mart site approx. 14 acres)

LOCATION: East side of Rock Road in an area north of 29th Street North (3030 N. Rock Road)



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: The application area is approximately the west half of the total Wal-Mart site at 29th and Rock Road. Contained in this application area are 621 of the total 700 parking spaces provided for this store. The number of spaces provided is well in excess of the number required by code, believed to have been 465 at the time the original building permit was issued. The request is for an exception to permit outdoor sales of garden center items more than ten feet from the building. A 112' x 236' portion of the existing parking lot, now accommodating 92 parking spaces, is proposed to be utilized on a seasonal basis for outdoor sales of garden center type merchandise. Even considering the additional 106 parking spaces which may be required for this 26,432 square feet of outdoor retail sales area, there would remain an excess of 37 parking spaces on the site. There is area on site to provide 114 more paved parking spaces, should there be a need for them.

Since this store opened, it has been utilizing either permits for temporary promotional activities or has been selling garden center materials from temporary plastic greenhouses. The owners and managers desire a more permanent arrangement, assuring them of an outdoor sales area (for garden center items) whenever needed.

The area chosen by Wal-Mart for the outdoor sales is north and west of the building. It is not directly in front of the store,, nor is it close to 29th or to Rock Road. Although it is near several other businesses, it would not appear to adversely affect them, either visually or physically, insofar as traffic circulation is concerned. The Wal-Mart stores on west Kellogg and east Pawnee have similar outdoor plant sales areas, but both sites are zoned "C" Commercial, which permits outdoor sales. If this use exception is approved, the associated community unit plan will be administratively adjusted to reflect this accessory use.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Bowling alley
SOUTH	"AA"	Church
EAST	"LC"	Discount department store
WEST	"LC"	Savings bank, animal hospital

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

1. Parking shall be provided as required by City code for all uses on this site.
2. The area utilized for outdoor garden center display and sales shall be limited in area to 112 feet x 236 feet and located as noted on the site plan submitted with this application.