

POSTED  
2-29-84  
R.S.L.

ACTION

BZA. 17-84 APPROVED 3-27-84  
DATE

200'4 Sec. 5-28-84  
SHOT 5-22  
RECORDED

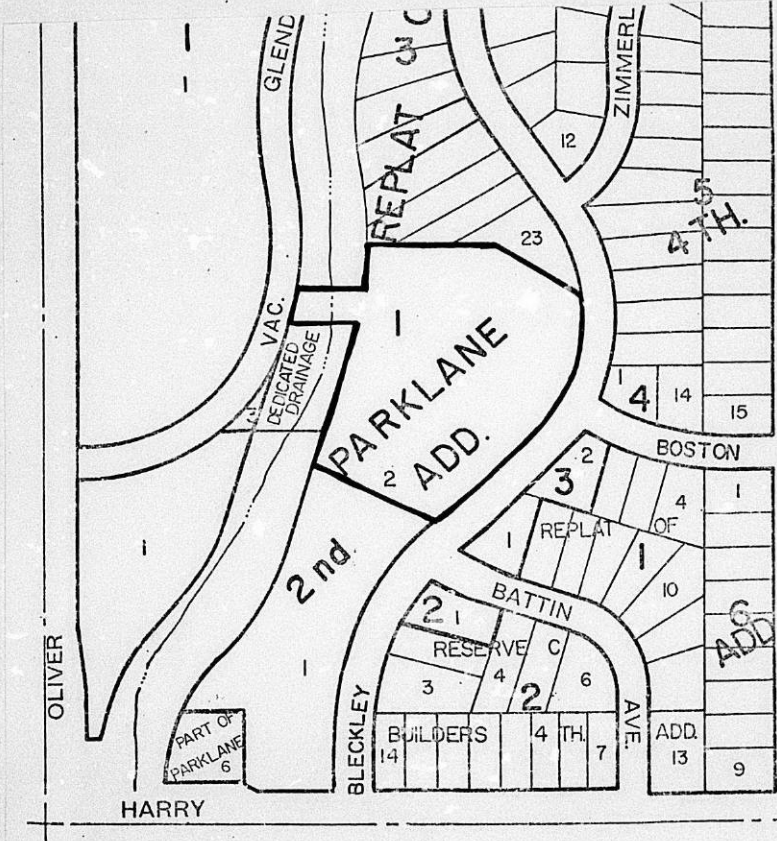
Case No. BZA 17-84 - Duckwall-Alco Stores, Inc. - requests an exception to permit the establishment of a part time nursery & garden center outside of an enclosed building on property zoned the "LC" Light Commercial District

Map No. 5846

BZA 17-84  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E B S LC W LC N B
3. Land Use: East APTS. South APTS.  
West Comm North APTS.
4. Area (is) (~~was~~) platted.



LOS ANGELES, CHICAGO, LOGAN, OR  
MORRISON, WASHINGTON, ST. LOUIS, ST. PAUL,  
U.S.A.

**Standard**  
No. 2153C

April 2, 1984

Mr. Robert F. Meysenburg  
Duckwall-Alco, Stores, Inc.  
401 Cottage  
Abilene, Kansas 67410

Re: BZA's 14-84, 15-84, 16-84  
& 17-84 - Requests for Exceptions

Dear Mr. Meysenburg:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on March 27, 1984.

These Resolutions reflect the official action of the Board to approve your requests, and set out the conditions of approval. They are forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

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

RESOLUTION NO. BZA 17-84

WHEREAS, Duckwall-Alco Stores, Inc., 401 Cottage, Abilene, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a part time nursery and garden center outside of an enclosed building on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 2, Block 1, Parklane Second Addition to Wichita, Sedgwick County, Kansas. Generally located within the Parklane Shopping Center on the east side of Oliver between Lincoln and Harry.

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 March 27, 1984, 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 part time nursery and garden center outside of an enclosed building 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.

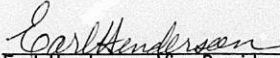
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a part time nursery and garden center outside of an enclosed building on property zoned the "LC" Light Commercial District legally described as follows:

Lot 2, Block 1, Parklane Second Addition to Wichita, Sedgwick County, Kansas. Generally located within the Parklane Shopping Center on the east side of Oliver between Lincoln and Harry.

subject to the following conditions:

1. The location of the temporary structure (tent) shall be in accordance with the site plan submitted with the application. A permit shall be secured each year for the construction of the temporary structure as required by the building code.
2. The temporary use of the property as a part-time nursery and garden center may include outdoor sales and storage of plants within the temporary structure, and also outdoor storage and sale of materials shall be in conformance with the limitations of display and storage of articles for sale as set forth in 28.04.090 A-1.2 and A-1.28 of the zoning ordinance.
3. The temporary structure, when dismantled, shall be stored within an enclosed building.
4. All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.
5. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
6. Should at any time the location of the temporary structure be changed, the applicant shall submit a revised site plan to the Secretary for review and approval.

ADOPTED AT WICHITA, KANSAS, this 27th day of March, 1984.

  
Earl Henderson, Vice President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

March 22, 1984

TO Glen Lytle, Special Assistant for Zoning  
FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 17-84 Generally located  
within the Parklane Shopping  
Center on the east side of  
Oliver between Lincoln and  
Harry

On Monday, March 19 CPD Council "F" considered the above captioned case and voted 9-0 to recommend that the Board of Zoning Appeals not consider this request on March 27 because of lack of information.

This motion was based on the fact that no agent or applicant was present to explain the request to the Council, and because the Aide did not have staff comments from the Planning Department to answer any of the Council members' questions. No area residents were present.

Please provide the Council's recommendation to the Board of Zoning Appeals when it meets on March 27.

*Cindy Entriiken*

Cindy Entriiken  
Administrative Aide III

CE:sm

SECRETARY'S REPORT  
CASE NO. BZA 17-84

APPLICANT: Duckwall-Alco, Stores, Inc., 401 Cottage,  
Abilene, Kansas.

AGENT: Robert F. Meysenburg, 401 Cottage, Abilene,  
Kansas.

REQUEST: Exception pursuant to Section 28.04.183.7, Code  
of the City of Wichita to permit the establish-  
ment of a part-time nursery and garden center  
outside of an enclosed building on property  
zoned the "LC" Light Commercial District.

GENERAL LOCATION: In an area east of Oliver and north of Harry  
in the Parklane Shopping Center and west of  
Bleckley.

ZONING: Subject property is zoned "LC" Light Commercial  
District as are the properties to the west and  
south. Properties to the east and north are  
zoned the "B" Multiple-family Dwelling District.

LAND USE: Subject property is developed as a shopping center.  
Properties to the north, south and east are apart-  
ments. Property to the west is commercial.

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 28.04.183.7 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception for the establishment of a part-time nursery and garden center that will include the erection of a temporary structure for the storage and display of plants. The present owner has purchased four of the David's stores that are all located within the "LC" Light Commercial District and regulated by a Community Unit Plan.

It should be noted that in 1983 David's Stores installed the temporary buildings without benefit of a permit and clearance from Central Inspection. Also, since last year the ordinance has been amended to permit this type of use in the "LC" Light Commercial District. This applicant has indicated that they desire to comply with the regulations and has submitted an application on each of the four locations.

The temporary structure (tent) will be constructed under the provisions of a building permit to house the bedding plants for a period of three to four months each year. The remainder of the nursery stock will be within a building, within a fenced area or be displayed within 10 feet of a building as permitted by the ordinance.

The location of the temporary structure which is 18 feet by 48 feet will be located on the property as it was last year and as shown by the site plan submitted with the application. The location is such that it will not interfere with the circulation aisles of the parking lot and is internally located on the property so as not to interfere with other uses within the C.U.P.

RECOMMENDATION:

Should the Board determine that the use is appropriate at this location, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The location of the temporary structure (tent) shall be in accordance with the site plan submitted with the application. A permit shall be secured each year for the construction of the temporary structure as required by the building code.

2. The temporary use of the property as a part-time nursery and garden center may include outdoor sales and storage of plants within the temporary structure, and also outdoor storage and sale of materials shall be in conformance with the limitations of display and storage of articles for sale as set forth in 28.04.090 A-1.2 and A-1.28 of the zoning ordinance.
3. The temporary structure, when dismantled, shall be stored within an enclosed building.
4. All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.
5. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
6. Should at any time the location of the temporary structure be changed, the applicant shall submit a revised site plan to the Secretary for review and approval.

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BZA CASE NO. 17-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>2</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>4</u>	TOTAL NOTICES SENT <u>3-7-84</u>

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

March 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 17-84

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 Duckwall-Alco Stores, Inc., 401 Cottage, Abilene, 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 establishment of a part time nursery and garden center outside of an enclosed building on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 2, Block 1, Parklane Second Addition to Wichita, Sedgwick County, Kansas. Generally located within the Parklane Shopping Center on the east side of Oliver between Lincoln and Harry.

This application has been assigned Case BZA 17-84. It will be considered by the Board of Zoning Appeals on March 27, 1984 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, 268-4516.

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. 17-84

CITY OF WICHITA, KANSAS

FILED 2-27-84

APPLICATION FOR EXCEPTION

I. Name of Applicant ✓ DUCKWALL-ALCO STORES, INC.  
 Mailing Address 401 Cottage, Abilene KS 67410 Phone 913-263-3350  
 Name of Authorized Agent Robert F. Meysenburg, Buyer  
 Mailing Address 401 Cottage, Abilene KS 67410 Phone 913-263-3350  
 Relationship of applicant to property is that of Lessee  
 (Owner, Tenant, Lessee, Other)

*use zoning form legal ab.*

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 An 18' x 48' prefabricated, ribbed, vinyl plastic covered bedding plant sales house. This is a removable house-to be used from approximately 3/25 to 6/15 for the expressed purpose of protecting and selling bedding plants. on property zoned Light Commercial - (CUP) located 1410 South Giendale, Wichita, Kansas (Parklane Shopping Center) and legally described as: ~~SEE ATTACHED LEGAL DESCRIPTION~~ Lot 2, Block 1, Parklane Second Addition to Wichita, Sedgwick County, Kansas, 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 hearing 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 DUCKWALL-ALCO STORES, INC.

Authorized Agent Robert F. Meysenburg  
Robert F. Meysenburg, Buyer

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:30 (p.m.), Feb. 27, 1984, together with appropriate fee of \$ 200.00.

Signed [Signature]



**DUCKWALL-ALCO STORES, INC.**

401 Cottage Street • Abilene, Kansas 67410 • (913) 263-3350

February 24, 1984

Board of Zoning Appeals  
Tenth Floor - City Hall  
455 N. Main  
Wichita, KS 67202

Dear Sirs,

Attached is our application for an exception as provided in Section 2.12.590.C. Code of the City of Wichita, Kansas.

We are applying for this exception so that we may build temporary plastic covered buildings that will protect our tender, young plants from frost at night and wind and heat during the day.

These buildings will allow us to sell the very best quality bedding plant available to our Wichita customers.

Thank you for your consideration.

Sincerely,

*R F Meysenburg*  
R. F. Meysenburg

RFM/r1

attachments

BZA 17-84

AMEND OWNERSHIP LIST #330720

We hereby amend the foregoing ownership list of the property owners of:

Lot 2, Block 1, Parklane Second Addition,  
Wichita, Sedgwick County, Kansas

to include the property owners within a 200 foot radius of captioned property, as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 27th day of February, 1984, at 7:00 o'clock A.M.

Additional Property within a 200 foot radius of captioned property:

Lots 1 & 3, Block 1, Parklane Second Addition	✓ Builders Inc. 250 R. H. Garvey Bldg. 67202
Lot 1, Block 2 ; Lots 1 & 2, Block 3; & lot 1, Block 4, Parklane Second Addition	Same as above
Lot 1, Block 1, Parklane Addition	Same as above
A portion of Lot 1, Block 2, Parklane Addition lying north of a line described as Beginning at a point on the west line of said lot 1, 125 feet south of the northwest corner of lot 1; thence east perpendicular to said west line 240.72 feet to a point on the east line of said lot 1, said point being 220.58 feet southwesterly from the northeast corner of lot 1.	Same as above
Lots 2 & 3, Block 2, Replat of Reserve C Builders Fourth Addition	Same as above
Lots 6, 7, 8, Block 1; and lots 2 & 3, Block 1, Replat of Reserve C Builders Fourth Addition	Same as above
odd & even lots 7 through 12, inclusive, Block 5, Builders Fourth Addition	Same as above
Lot 14, Block 5; lots 11 & 12, Block 4; Builders Fourth Addition	Same as above

Property Description

Property Owner

Lots 23, 24, 25, 26 & 27, except that part described as commencing at the southeast corner of said lot 23; thence northwesterly along the southerly line of said lot 23, 180.26 feet for a place of beginning; thence continuing northwesterly along the last described line extended, 10 feet; thence with a deflection to the right of 90° a distance of 15 feet; thence northwesterly to a point on the westerly line of said lot 27, 33.62 feet southerly from the northwest corner thereof; thence southerly along the westerly line of said lots 27, 26 and 25, 145.45 feet to the southerly most corner of said lot 25; thence east 221.45 feet to the point of beginning, Block 3, Replat of Part of Builders Fourth Addition.

✓ Willow Creek Manor Inc.  
1000 Parklane  
67218

That part of lots 23, 24, 25, 26, 27, 28, & 29, Block 3, described as commencing at the southeast corner of said lot 23; thence northwesterly along the southerly line of said lot 23, 180.26 feet for a place of beginning; thence continuing northwesterly along the last described line extended 10 feet; thence with a deflection to the right of 90° a distance of 15 feet; thence northwesterly to a point on the westerly line of said lot 27, 33.62 feet southerly from the northwest corner thereof; thence southerly along the westerly line of said lots 27, 26 and 25, 145.45 feet to the southerly most corner of said lot 25; thence east 221.45 feet to the point of beginning.

D Builders Inc.  
250 R. H. Garvey Bldg.  
67202

THE SECURITY ABSTRACT & TITLE CO. INC.

By *Curtis Timmers*  
Vice President

Order No: #330847  
to Amend #330720  
cf

OWNERSHIP LIST

Property Descripton

Property Owner

Lot 2, Block 1, Parklane  
2nd Addition

Builders, Inc.  
D 250 R.H. Garvey Building 67202

We hereby the foregoing to be a true and correct list of  
the property owners of the hereinbefore described:

Lot 2, Block 1, Parklane Second Addiiton  
Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the  
Register of Deeds, Sedgwick County, Kansas, on the 23rd day of  
February, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By *Curtis O. Simmons*  
Vice President

Order No: 330720

nh

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 2-21

PAYMENT NOTICE  
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
City of Wichita	\$200.00
NAME <i>James L. Field Streets</i>	
ADDRESS <i>1000 E. 13th</i>	
FUND <i>100-40071</i>	DUE DATE <i>10/23</i>
COMMENTS	
DATE <i>7-27-1964</i>	BY <i>A. L. Smith</i>

\*

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

Roll # 2