

Case No. BZA 19-87 - Douglas Black & White, Inc. requests an exception to permit the location of a photographic processing laboratory, offices, shop, rental studios, self-service photograph developing facilities & volume photograph processing on property zoned the

POSTED 4-28-87
GSL

ACTION

BZA 19-87 *Approved*

5/26/87
DATE

200'4 Sec 5-11-88

Checked ✓

Shot 5/12

Record ✓

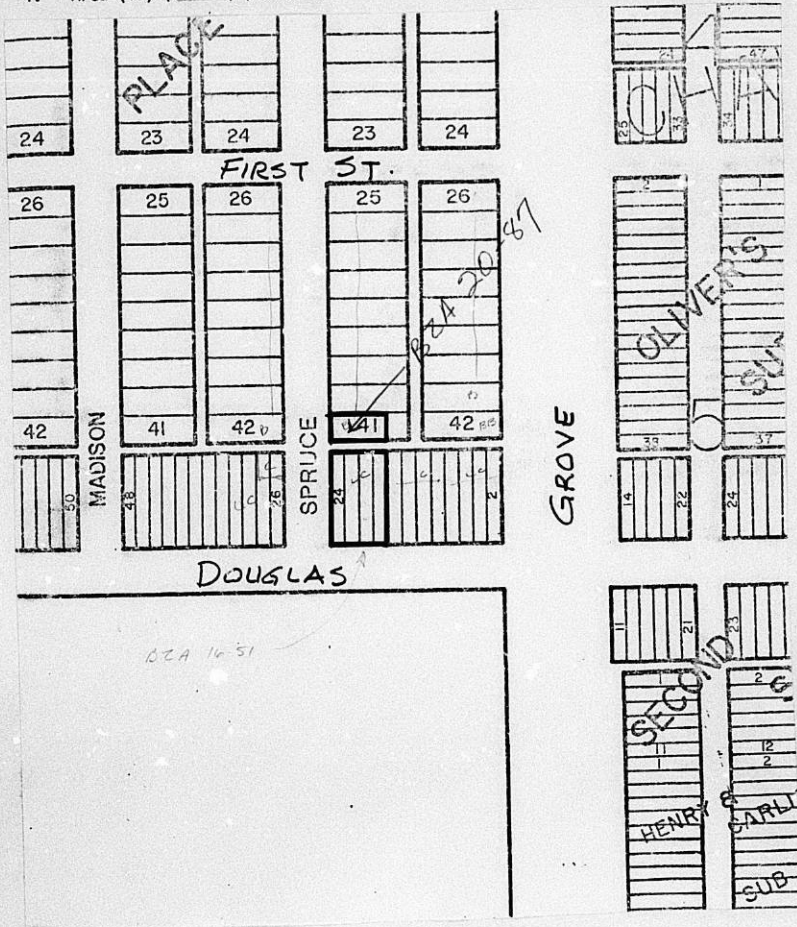
15
12-87
BZA

Map No. 5647-D

BZA 19-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "C" S "LC" W "LC" N "B"
3. Land Use: East Comm. South HIGH SCHOOL
West Comm North I-F
4. Area (is) (~~is~~) platted.




 No. 2153C
 HASTINGS, MN
 LOS ANGELES-CHICAGO-LOS AN, OH
 MCNESEOR, TX-LOCUST GROVE, GA
 U.S.A.

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

May 9, 1988

Douglas Black & White, Inc.
ATTN: Ric Wolford
2300 E. Douglas
Wichita, KS 67214

Re: BZA 19-87 & BZA 20-87

Dear Mr. Wolford:

Enclosed are signed copies of the above-referenced BZA Resolutions adopted by the Board of Zoning Appeals on May 26, 1987. 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 these matters, please call our office.

Sincerely,


Louise Olivarez
Assistant Secretary

LO/jcm
Enclosure

cc: David L. Hiebert, 111 W. Douglas, #920, Wichita, KS 67202
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator
Dale Rea, Deputy City Clerk

May 28, 1987

David L. Hiebert
111 West Douglas, #920
Wichita, Kansas 67202

Re: BZA 19-87 - Request for Exception and BZA 20-87 - Request
for Variance (On the northeast corner of Douglas and Spruce)

Dear Mr. Hiebert:

At the regular meeting of the Board of Zoning Appeals on May 26, 1987, your requests for an exception to permit the location of a photographic processing laboratory, offices, shop, rental studios, self-service photograph developing facilities and volume photographic processing and a variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only were considered. It was the action of the Board to approve the exception (BZA 19-87) subject to the following conditions:

- received
4-27-88*
1. Prior to release of the resolution authorizing the issuance of the building permit, the applicant shall dedicate 1.34 feet of additional alley right-of-way from his lots on both sides of the east-west alley.
 2. The applicant shall provide not less than 14 off-street parking spaces on the lot north of the alley in conformance with the City of Wichita's standards.
 3. Conversion of the east one-third (approximate) of the building to active use from the current designation as warehouse shall not occur until such time as additional off-street parking can be provided.
 4. Signs shall be limited to those permitted by Section 28.04.139 of the code for the "LC" Light Commercial District.
 5. All inventory, merchandise and equipment shall be completely enclosed within a building.
 6. The owner shall limit the number of employees to not more than 11 full-time employees, with nine being the maximum in any one shift, until additional off-street parking can be provided. When additional parking is provided, it shall not be less than one space per employee. Any deviation from this shall be subject to Board approval after a public hearing.
 7. Should at any time the Superintendent of Central Inspection determine that the property fails to be maintained in compliance with the

PL/0170/1

May 28, 1987

conditions of approval, he shall notify the owner of the violations. Should the property owner not take immediate steps to correct the violations, the Superintendent of Central Inspection shall request that the Board of Zoning Appeals schedule a hearing for the revocation of this resolution.

8. Any change of occupancy of the structure to any new use shall be subject to compliance with all applicable regulations and this resolution shall become null and void.
9. Upon release of this resolution, Resolution No. BZA 16-51 shall be considered null and void.

The Board also approved the variance (BZA 20-87) subject to the following conditions:

1. All improvements for the off-street parking lot shall be in conformance with the provisions of the zoning ordinance, including that of surfacing with asphalt or concrete, striping of the lot in conformance with a site plan approved by the Traffic Engineer, and the providing of street trees in the street right-of-way line on the west.
2. The owner shall provide a 6-foot screening fence adjacent to the north property line that shall be of wood, metal or masonry, providing, however, the west 25 feet shall be reduced to a height of three feet.
3. Prior to the release of the resolution authorizing the variance, the applicant shall provide three copies of a new site plan to the Secretary for approval. Such plan shall include all property in the application area and shall show compliance with the above conditions, including the screening fence and type and size of landscape materials to be installed as well as the additional alley dedication required by case BZA 19-87.

*received
5-6-88*

Release of these resolutions authorizing the exception and the variance is pending the compliance with condition 1 of the exception (BZA 19-87) and condition 3 of the variance (BZA 20-87). The proper form to be used for the alley dedication is enclosed.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Secretary

GEL:lw
Enclosure

cc: Douglas Black and White, Inc., 2300 E. Douglas, Wichita, KS 67214
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

PL/0170/1

Gragert, Hiebert, Gray and Woodring

ATTORNEYS AT LAW
SUITE 920 • CENTURY PLAZA BUILDING
111 W. DOUGLAS
WICHITA, KANSAS 67202-3292
TELEPHONE (316) 265-9483

MICHAEL D. CRAGERT
DAVID L. HIEBERT
DAVID H. M. GRAY
STEVEN K. WOODRING

RUSSELL W. DAVISSON
INDIVIDUAL PRACTITIONER

April 25, 1988

Wichita Metropolitan Area
Planning Commission
Tenth Floor, City Hall
455 N. Main
Wichita, Kansas 67202

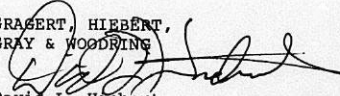
Re: BZA 19-87 and BZA 20-87
Dedication

Dear Sirs:

Enclosed please find a dedication that was signed by my clients, Charles Rude and Ric Wolford, in June, 1987. My clients' zoning request for Douglas Black and White was approved and one of the requirements was that this dedication be filed. I recently received the dedication in the mail and it appears to be an original. Please check your files to determine whether or not this dedication has ever been filed of record. Please see that the dedication is filed of record and that my clients are shown to have been in compliance with the requirements for the zoning change.

Very truly yours,

GRAGERT, HIEBERT,
GRAY & WOODRING


David L. Hiebert

DLH/ds
Enclosure

RECEIVED

APR 27 1988

METROPOLITAN PLANNING
ROUTE _____

RESOLUTION CASE NO. 19-87

WHEREAS, Douglas Black and White, Inc., 2300 East Douglas, Wichita, Kansas 67214, pursuant to Section 2.12.590.C and 28.04.183.6, Code of the City of Wichita, requests an exception to permit the location of a photographic processing laboratory, offices, shop, rental studios, self-service photograph developing facilities and volume photographic processing on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 18, 20, 22 and 24 on Douglas in Park Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Douglas and Spruce.

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 May 26, 1987, 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 location of a photographic processing laboratory, offices, shop, rental studios, self-service photograph developing facilities and volume photographic processing 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 location of a photographic processing laboratory, offices, shop, rental studios, self-service photograph developing facilities and volume photographic processing on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 18, 20, 22 and 24 on Douglas in Park Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Douglas and Spruce.

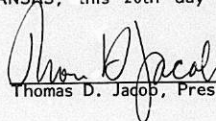
subject to the following conditions:

1. Prior to release of the resolution authorizing the issuance of the building permit, the applicant shall dedicate 1.34 feet of additional alley right-of-way from his lots on both sides of the east-west alley.
2. The applicant shall provide not less than 14 off-street parking spaces on the lot north of the alley in conformance with the City of Wichita's standards.
3. Conversion of the east one-third (approximate) of the building to active use from the current designation as warehouse shall not occur until such time as additional off-street parking can be provided.
4. Signs shall be limited to those permitted by Section 28.04.139 of the code for the "LC" Light Commercial District.
5. All inventory, merchandise and equipment shall be completely enclosed within a building.
6. The owner shall limit the number of employees to not more than 11 full-time employees, with nine being the maximum in any one shift, until additional off-street parking can be provided. When additional parking is provided, it shall not be less than one space per

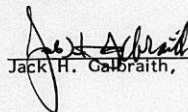
employee. Any deviation from this shall be subject to Board approval after a public hearing.

7. Should at any time the Superintendent of Central Inspection determine that the property fails to be maintained in compliance with the conditions of approval, he shall notify the owner of the violations. Should the property owner not take immediate steps to correct the violations, the Superintendent of Central Inspection shall request that the Board of Zoning Appeals schedule a hearing for the revocation of this resolution.
8. Any change of occupancy of the structure to any new use shall be subject to compliance with all applicable regulations and this resolution shall become null and void.
9. Upon release of this resolution, Resolution No. BZA 16-51 shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1987.


Thomas D. Jacob, President

ATTEST:


Jack H. Galbraith, Secretary

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Charles L. Rude and Ric A. Wolford

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

The south 1.34 feet of the west 100 feet of Lot 41, on Spruce, Park Place Addition to Wichita, Kansas and;

The north 1.34 feet of Lots 18 thru 24, even and inclusive, on Douglas, Park Place Addition to Wichita, Kansas.

do hereby dedicate the above-described real estate to the public for alley right-of-way purposes.

Executed this _____ day of _____, 19__.

Charles L. Rude

Ric A. Wolford

STATE OF KANSAS)
SEDGWICK COUNTY)ss

BE IT REMEMBERED, that on this _____ day of _____,

came _____

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above-written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____,

City Clerk

Notary Public

My Commission Expires: _____

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE May 22, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Stanley J. Scott, CP Coordinator *[Signature]*

SUBJECT BZA 19-87: Northeast corner of
 Douglas and Spruce
 BZA 20-87: East side of Spruce,
 North of Douglas

On Tuesday, May 19, 1987, CPO Neighborhood Council 1A considered the captioned cases:

- 1) BZA 19-87 - A request for a zoning exception to permit the location of a photographic processing laboratory, office, shop, rental studio, self-service photograph developing facility, and volume photographic processing on property zoned "LC" Light Commercial District; and
- 2) BZA 20-87 - A request for a zoning variance to reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only on property zoned "B" Multiple Family Dwelling District.

After discussion, the Council voted 5-0 to recommend approval of BZA 19-87 and BZA 20-87.

David L. Hiebert, agent for Douglas Black and White, Inc., was present to describe the request and respond to questions from the Council. No area residents or property owners were present. Council members were provided the notice to adjoining property owners, a map of the area, and the MAPD Secretary's report.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 19-87 and BZA 20-87 are considered.

SJS:dm

RECEIVED

MAY 22 1987

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 19-87

APPLICANT: Douglas Black and White, Inc., 2300 E. Douglas, Wichita, KS 67214

AGENT: David L. Hiebert, 111 W. Douglas, #920, Wichita, KS 67202

REQUEST: Exception pursuant to Section 28.04.183.6 Code of the City of Wichita to permit the establishment of photographic processing laboratory, offices, shop, rental studio, self-service photograph developing facilities and volume photographic processing.

GENERAL LOCATION: On the northeast corner of Douglas and Spruce.

ZONING: Subject property is zoned the "LC" Light Commercial District. To the north is the "B" Multiple-Family Dwelling District; to the south is the "LC" Light Commercial District; and to the west are both the "LC" and "C" districts.

LAND USE: Subject property is the site of a former warehouse; to the north is a vacant lot proposed as a parking lot for this business; to the east is a warehouse; to the south across Douglas is East High School; to the west is a commercial building.

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 28.04.183.6 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the use of an existing building for a photographic processing laboratory, offices, shop, rental studio, self-service photograph developing facilities and volume photographic processing. The proposed use is essentially a photographic processing laboratory and shop but with some wholesaling. The business will occupy approximately 20,000 square feet of floor area. The wholesaling activities and the square footage in excess of 6,000 square feet are what require an exception to the "LC" regulations.

The ordinance permits uses such as this within the "LC" district when contiguous to an arterial street (Douglas Avenue) and when all merchandise and equipment are completely enclosed within a building. There are no vehicles used in this business.

The applicant's attorney has stated that there are eleven full-time and three part-time employees who work in shifts with nine being the maximum number in any one shift. Customers average 25 to 35 per day and their visits are usually of a short duration. A site plan submitted with the application shows 14 spaces of 45-degree parking to be provided on the lot to the north. The east-west alley in this block is only 17.33 feet wide whereas 20 feet is the standard. An additional 1.34 feet is required from each side of the alley. This same requirement was made of the properties to the east and northeast in conjunction with a zone change last August. It appears that 14 spaces can still be provided after the alley dedication is obtained.

Under the provisions of the ordinance, the Board has the authority to determine the parking demand based on the nature of the business. Although the building contains 20,000 square feet of floor area, only about 6,000 square feet are to be used for retail purposes. The balance will be for warehousing, future expansion, and for areas where only the employees will work. Parking requirements would be calculated to total 27 spaces (24 at 1:250 square feet retail space plus 3 at 1:3 employees in largest shift). Half

this requirement is to be provided north of the building on property which the applicant owns. He also hopes to be able to utilize spaces in the lot to be paved for use by the Andrew Paint Company, the business adjacent to the east. There are 17 spaces in the lot at Grove and Douglas which can be used by all the businesses in this block. The previous use of the building did not require off-street parking because the building was a nonconforming warehouse that was constructed prior to off-street parking requirements. The "change of occupancy" to a more intense use requires the new use to comply with the regulations. Although the parking that can be provided on the property is probably short of actual need, the owner's intent is to acquire additional parking and he has agreed to limit the number of employees until additional parking can be provided.

RECOMMENDATION:

Should the Board determine that the proposed use of the property is of the same general character as other permitted uses described in the ordinance and is appropriate at this location and that the off-street parking which can be provided is adequate, then it is the Secretary's recommendation that the exception be approved subject to the following conditions:

1. Prior to release of the resolution authorizing the issuance of the building permit, the applicant shall dedicate 1.34 feet of additional alley right-of-way from his lots on both sides of the east-west alley.
2. The applicant shall provide not less than 14 off-street parking spaces on the lot north of the alley in conformance with the City of Wichita's standards.
3. Conversion of the east one-third (approximate) of the building to active use from the current designation as warehouse shall not occur until such time as additional off-street parking can be provided.
4. Signs shall be limited to those permitted by Section 28.04.139 of the code for the "LC" Light Commercial District.
5. All inventory, merchandise and equipment shall be completely enclosed within a building.
6. The owner shall limit the number of employees to not more than 11 full-time employees, with nine being the maximum in any one shift, until additional off-street parking can be provided. When additional parking is provided, it shall not be less than one space per employee. Any deviation from this shall be subject to Board approval after a public hearing.
7. Should at any time the Superintendent of Central Inspection determine that the property fails to be maintained in compliance with the conditions of approval, he shall notify the owner of the violations. Should the property owner not take immediate steps to correct the violations, the Superintendent of Central Inspection shall request that the Board of Zoning Appeals schedule a hearing for the revocation of this resolution.
8. Any change of occupancy of the structure to any new use shall be subject to compliance with all applicable regulations and this resolution shall become null and void.

D E D I C A T I O N

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Charles L. Rude and Ric A. Wolford

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

The south 1.34 feet of the west 100 feet of Lot 41, on Spruce, Park Place Addition to Wichita, Kansas and;

The north 1.34 feet of Lots 18 thru 24, even and inclusive, on Douglas, Park Place Addition to Wichita, Kansas.

do hereby dedicate the above-described real estate to the public for alley right-of-way purposes.

Executed this 16th day of June, 1987.

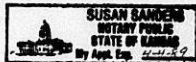
Charles L. Rude
Charles L. Rude
Ric A. Wolford
Ric A. Wolford

STATE OF KANSAS)
SEDGWICK COUNTY)ss

BE IT REMEMBERED, that on this 16th day of June, 1987,
came Charles L. Rude and Ric A. Wolford

to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above-written.



Susan Sanders
Notary Public

My Commission Expires: 4-4-89

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____

City Clerk

D-1514

MAPD received 4-27-87

Gragert, Hiebert and Gray

ATTORNEYS AT LAW
SUITE 920 • CENTURY PLAZA BUILDING
111 W. DOUGLAS
WICHITA, KANSAS 67202-3292
TELEPHONE (316) 265-9480

MICHAEL D. GRAGERT
DAVID L. HIEBERT
DAVID H. M. GRAY
RUSSELL W. DAVISSON
TERRY L. UNRUH
STEVEN K. WOODRING

May 11, 1987

RECEIVED

MAY 12 1987

METROPOLITAN PLANNING
ROUTE _____

Metropolitan Area Planning Commission
ATTN: Louise Olivarez
Tenth Floor - City Hall
455 N. Main
Wichita, Kansas 67202

Re: Applications of Douglas Black & White
Case Nos. BZA 19-87 and BZA 20-87

Dear Ms. Olivarez:

I am responding to our telephone conversation of May 7, 1987. I have now had a conversation with my client and have the following information pursuant to your requests. Ninety-five percent of my client's business is wholesale and only 5-10% of said business relates to the rental dark-room services. Mr. Wolford indicates that he has an average of 6 regular dark-room customers per day. To be a dark-room customer, you must be a member of the Dark-room Club, and you must attend developing classes given by Douglas Black & White. Though there are approximately 200 members over-all, an average of only 6 use the dark-rooms during any given day.

My client's business is open for 13 hours each day, from 8:00 a.m. until 9:00 p.m. Two of the 11 employees are the commercial photographers who spend the majority of their time out on location. The 2 photographers will be in the offices each day for only a short time and seldom exceeding more than 2-3 hours. Of the remaining employees, only 7 of them work from 8:30 a.m. until 5:00 p.m. One part-time employee comes to work at 1:00 p.m., one comes at 5:00 p.m. and one comes at 5:30 p.m. At no time will there be more than 7 employees plus the 2 photographers actually working at the building location. The lower level of the building is accessible only to employees and customers are not allowed in the lower level.

Louise Olivarez
Page No. 2
May 11, 1987

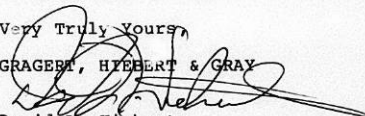
My client currently occupies approximately 5,000 cramped square feet. He is moving the existing operations to a more spacious 14,000 square feet, however, he will not increase any of his operations or employees. The company does own 1 company vehicle, which is driven to and from work by one of the photographers, is parked at the offices only when he is there and generally is parked at his home when he is not working.

The primary thrust of my client's unique business is wholesale. They are the only black and white developer in town, the only photo-laminating wholesaler in town, and the only photocopier wholesaler in town. Some of the other 3 photolabs in town advertise these services, however, they use my client to do the work. The remainder of my client's business relates to volume developing for corporations such as Coleman Company. Mr. Wolford estimates that on an average day he will have 25-35 wholesale customers either drop off film or pick up prints. These customers are spread over a 13 hour day and therefore would average only 2-3 per hour. During the hours of 8:30 a.m. to 5:00 p.m. one would ordinarily find 7 employees, 1 dark-room customer and 2-3 wholesale customers during any given hour. On rare occasions there would be a maximum of 9 employees during the referenced hours. After 5:00 p.m., the number of employees drops.

If I can answer any further questions, or provide any additional details, please feel free to contact me.

Very Truly Yours,

GRAGER, HIEBERT & GRAY


David L. Hiebert

DLH/ds
cc: Douglas Black & White

Gragert, Hubert and Gray

ATTORNEYS AT LAW
SUITE 920 • CENTURY PLAZA BUILDING
111 W. DOUGLAS
WICHITA, KANSAS 67202-3292
TELEPHONE (316) 265-9487

MICHAEL D. GRAGERT
DAVID L. HUBERT
DAVID H. M. GRAY
RUSSELL W. DAVISSON
TERF... UNRUH
STEVEN K. WOODRING

April 27, 1987

Board of Zoning Appeals
City of Wichita, Kansas
455 N. Main
Wichita, Kansas 67202

Re: Douglas Black & White, Inc.
Board of Zoning Appeals Application for Exception and
Board of Zoning Appeals Application for Variance

Douglas Black & White operates a unique self-service photographic developing business wherein customers are rented developing facilities and, when appropriate, studio facilities for their self-service needs. Supplies, such as paper and developing chemicals, are sold to the customers for their convenience. Applicant also operates a volume black and white and color processing business, as well as actually processing black and white film and slides. Applicant does not process color film and slides on the premises, however, they do process color prints after the negatives have been returned. All of Applicant's business activities take place on the premises in the self-contained building which is the subject of the application herein. The building also contains warehousing space that will be used only for internal warehousing.

Applicant is moving their operations from its current location close to the corner of Grove and Douglas, less than 1 block to the proposed location which is on the west end of the same block. The building itself has been purchased as well as an off-street parking lot located directly to the north of the subject property. In the past, the building had been used for warehousing and manufacturing and the use of the property will therefore not be changing markedly.

The only off-street parking available is outlined in the attached exhibits. The owner of the property directly north of the current proposed parking lot at current is not interested in selling the property at any reasonable price within the means of Applicant. In the future, Applicant would like to expand its parking facilities once the property directly to the

Board of Zoning Appeals
Re: Douglas Black & White, Inc.
April 27, 1987
Page No. 2

north of the current parking facilities becomes available, however, at the current time it will not be possible to obtain additional off-street parking facilities either by purchase or by lease.

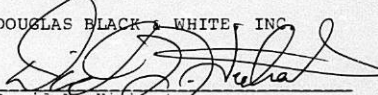
The current customers of Douglas Black & White, the nature of whom and the volume of whom shall not change, park in a City parking lot located at the corner of Grove and Douglas. There are additional on-street parking spaces available as designated in the attached exhibits that can also be used for customer parking. In addition to the proposed off-street parking lot, the City parking mall at Grove and Douglas, the on-street parking on Spruce and on Douglas, the Applicant proposes to build one large parking lot with the property owner directly to the east of the subject building, commonly known as Andrew's Paint. This will provide additional off-street parking when Andrew's Paint has spaces available.

Applicant currently employs a total of eleven (11) full-time employees and three (3) part-time employees. These employees work shift work and are rarely all present at the same time. Applicant has taken advantage of all available off-street and on-street parking in an effort to serve the needs of its employees and customers. They will be expanding the current parking facilities by a figure of sixteen (16) off-street parking spaces not including the available spaces in the Andrew's Paint parking lot. Applicant currently functions quite adequately with the same number of employees and the same volume of patrons with sixteen (16) fewer parking spaces available.

Applicant is attempting to revitalize an economically depressed building in an area where revitalization is desirable and targeted. Applicant meets all of the requirements for a variance and for an exception under the current zoning regulations as applied for herein and requests the Board of Zoning Appeals' appropriate consideration to Applicant's applications for an exception and for a variance.

Respectfully Submitted,

DOUGLAS BLACK & WHITE, INC.

By: 
David L. Hisbert,
Attorney for Applicant

DLH/ds

BZA CASE NO. 19-27

| | |
|-----------|---|
| <u>2</u> | NOTICES SENT TO APPLICANT/AGENT |
| <u>14</u> | LEGAL ADVERTISEMENT SENT TO MAPC & BZA |
| <u>1</u> | NOTICES SENT TO CPO |
| <u>18</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>21</u> | TOTAL NOTICES SENT <u>5/5/87</u> |

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

May 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 19-87

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 Douglas Black and White, Inc., 2300 East Douglas, Wichita, 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 location of a photographic processing laboratory, offices, shop, rental studios, self-service photograph developing facilities and volume photographic processing on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 18, 20, 22 and 24 and the west 100 feet of Lot 41 on Spruce, Park Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Douglas and Spruce.

This application has been assigned Case No. BZA 19-87. It will be considered by the Board of Zoning Appeals on May 26, 1987 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "1A" will consider this case at their meeting to be held on Tuesday, May 19, 1987, at 7 p.m. at the Evergreen Recreation Center, 2700 North Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary

APPLICATION FOR EXCEPTION

I. Name of Applicant Douglas Black & White, Inc.
Mailing Address 2300 E. Douglas, Wichita, Ks., 67214 Phone 264-3013
Name of Authorized Agent David L. Hiebert
Mailing Address 111 W. Douglas, #920, Wichita, Ks., 67202 Phone 265-9480
Relationship of applicant to property is that of Attorney
(Owner, Tenant, Lessee, Other)

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 photographic processing laboratory, offices, shop, rental studio, self-service photograph developing facilities and volume photographic processing

on property zoned the "LC" light commercial and "B" multiple family, located on _____ and legally described as: Lots 18, 20, 22 and 24 on Douglas and the west 100 feet of Lot 41 on Spruce, Park Place 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. 39-285); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant Douglas Black & White, Inc.

Authorized Agent David L. Hiebert
David L. Hiebert
Attorney for Applicant

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (p.m.), APRIL 27, 1987 together with appropriate fee of \$200.00.

Signed S. Lytle

Gragert, Hiebert and Gray

ATTORNEYS AT LAW
SUITE 920 • CENTURY PLAZA BUILDING
111 W. DOUGLAS
WICHITA, KANSAS 67202-3292
TELEPHONE (316) 265-9483

MICHAEL D. GRAGERT
DAVID L. HIEBERT
DAVID H. M. GRAY
RUSSELL W. DAVISSON
TERRY L. UNRUH
STEVEN K. WOODRING

April 27, 1987

Board of Zoning Appeals
City of Wichita, Kansas
455 N. Main
Wichita, Kansas 67202

Re: Douglas Black & White, Inc.
Board of Zoning Appeals Application for Exception and
Board of Zoning Appeals Application for Variance

Douglas Black & White operates a unique self-service photographic developing business wherein customers are rented developing facilities and, when appropriate, studio facilities for their self-service needs. Supplies, such as paper and developing chemicals, are sold to the customers for their convenience. Applicant also operates a volume black and white and color processing business, as well as actually processing black and white film and slides. Applicant does not process color film and slides on the premises, however, they do process color prints after the negatives have been returned. All of Applicant's business activities take place on the premises in the self-contained building which is the subject of the application herein. The building also contains warehousing space that will be used only for internal warehousing.

Applicant is moving their operations from its current location close to the corner of Grove and Douglas, less than 1 block to the proposed location which is on the west end of the same block. The building itself has been purchased as well as an off-street parking lot located directly to the north of the subject property. In the past, the building had been used for warehousing and manufacturing and the use of the property will therefore not be changing markedly.

The only off-street parking available is outlined in the attached exhibits. The owner of the property directly north of the current proposed parking lot at current is not interested in selling the property at any reasonable price within the means of Applicant. In the future, Applicant would like to expand its parking facilities once the property directly to the

Board of Zoning Appeals
Re: Douglas Black & White, Inc.
April 27, 1987
Page No. 2

north of the current parking facilities becomes available, however, at the current time it will not be possible to obtain additional off-street parking facilities either by purchase or by lease.

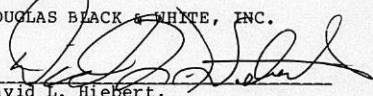
The current customers of Douglas Black & White, the nature of whom and the volume of whom shall not change, park in a City parking lot located at the corner of Grove and Douglas. There are additional on-street parking spaces available as designated in the attached exhibits that can also be used for customer parking. In addition to the proposed off-street parking lot, the City parking mall at Grove and Douglas, the on-street parking on Spruce and on Douglas, the Applicant proposes to build one large parking lot with the property owner directly to the east of the subject building, commonly known as Andrew's Paint. This will provide additional off-street parking when Andrew's Paint has spaces available.

Applicant currently employs a total of eleven (11) full-time employees and three (3) part-time employees. These employees work shift work and are rarely all present at the same time. Applicant has taken advantage of all available off-street and on-street parking in an effort to serve the needs of its employees and customers. They will be expanding the current parking facilities by a figure of sixteen (16) off-street parking spaces not including the available spaces in the Andrew's Paint parking lot. Applicant currently functions quite adequately with the same number of employees and the same volume of patrons with sixteen (16) fewer parking spaces available.

Applicant is attempting to revitalize an economically depressed building in an area where revitalization is desirable and targeted. Applicant meets all of the requirements for a variance and for an exception under the current zoning regulations as applied for herein and requests the Board of Zoning Appeals' appropriate consideration to Applicant's applications for an exception and for a variance.

Respectfully Submitted,

DOUGLAS BLACK & WHITE, INC.

By: 
David L. Hiebert,
Attorney for Applicant

DLH/ds

OWNERSHIP LIST

| Lot | Addition | Property Owner |
|---|-----------------------------------|--|
| Lot 36 | Park Place Addition, on Spruce | ✓ Edna May Brann 133 N. Spruce Wichita, KS 67214 |
| Lot 38 | " | ✓ Commerce Management Corp. 1013 E. Douglas Wichita, KS 67211 |
| Lot 40 | " | ✓ Helen Lange Vachal and James H. Vachal and Eva J. Vachal 102 N. Ridgewood Wichita, KS 67208 |
| Lot 42 | " | ✓ Wayne F. Wernecke Lucille W. Wernecke 1734 N. Athenian Wichita, KS 67203 |
| Lot 35 | " | ✓ Vicky Dean Curtis and Harold Keith McCann 128 N. Spruce Wichita, KS 67214 |
| Lot 37 | " | ✓ Clark Frazier Luella E. Frazier 1831 S. Glendale Wichita, KS 67218 |
| Lot 39 | " | ✓ O. W. Perkins Myrtle I. Perkins Address Unknown c/o Ruth Feather 122 N. Spruce Wichita, KS 67214 |
| Lot 41 except the West 100 feet | " | ✓ Edmond J. Cody 3810 Rio Grand Circle Walley Center, KS 67147 |
| <i>Part of of of of</i> The West 100 feet of Lot 41 | " | ✓ Charles L. Rude 2326 E. Douglas Wichita, KS 67214 AND ✓ Ric A. Wolford 2326 E. Douglas Wichita, KS 67214 |
| Lot 36 | " | ✓ David N. Lawrie Anna M. Lawrie 129 N. Grove Wichita, KS 67214 |

| Lot | Addition | Property Owner |
|--|----------------------------------|---|
| Lot 38 | Park Place Addition, on Grove | ✓ Donald E. Graves Christine K. Graves 649 N. Lorraine Wichita, KS 67214 |
| Lot 40 | " | ✓ TWD, Inc. P.O. Box 1361 Houston, TX 77001 Notice of Interest filed 5-1-86: James A. Garms Paula Garms 3022 E. Clark Wichita, KS 67211 |
| Lot 42 | " | Ⓟ Edmond J. Cody 3810 Rio Grand Circle Valley Center, KS 67147 |
| Lots 2, 4, 6 & 8 | " on Douglas | ✓ Mark A. Babich Margarette M. Babich Box 2817 Wichita, KS 67201 |
| Lots 10, 12, 14 & 16 | " | Ⓟ Edmond J. Cody 3810 Rio Grand Circle Valley Center, KS 68147 |
| <i>part of collection area</i> Lots 18, 20, 22 & 24 | " | Ⓟ Charles L. Rude AND Ric A. Wolford 2326 E. Douglas Wichita, KS 67214 |
| Lots 26 & 28, except the South 100 feet thereof. | " | ✓ Henry E. Ayers Christa E. Ayers Address Unknown c/o William A. Poell 2235 S. Crestway Wichita, KS 67218 |
| The South 100 feet of Lots 26 & 28 | " | ✓ Sprots Craft Supply, Inc. c/o SCS Retro Fit Inc. 3800 W. Pawnee Wichita, KS 67213 |
| Lots 30, 32 & 34 | " | Ⓟ Wayne F. Wernecke Lucille W. Wernecke 1734 N. Atheninan Wichita, KS 67203 |

Tract Description

Property Owner

Beginning 80 feet South and 34.75 feet West of the NE/c of the SW $\frac{1}{4}$ of Section 22, Township 27 South, Range 1 East; th. West 1163.45 feet to the East line of Brooks Street in Blacks Addition; th. South 610.5 feet to Prince Street; th. West 47.6 feet to the East line of Drainage Canal; th. SW'ly along canal 1929.67 feet to the North line of Kellogg; th. East to a point 30 feet North and 34.75 feet West of the SE/c of said Qtr. Section; th. North 2542.67 feet to the p.o.b.

Board of Education
U.S.D. #259
428 S. Broadway
Wichita, KS 67202

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tract within a 200 foot radius of:

Lots 18, 20, 22 and 24, Park Place Addition to
Wichita, Sedgwick County, Kansas.

*why is
lot 14 not
included?*

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of April, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By
Sr. Vice-President

Order No.: 379188
nj

FORM 2-821

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 BZA VAR. | \$ 300 ⁰⁰ |
| CITY BZA EXCEPT | 400 ⁰⁰ |
| TOTAL | 700 ⁰⁰ |
| NAME GRAGERT, HERBERT & GRAY | |
| ADDRESS 920 Century Plaza | |
| FUND 755-40710-003 | DUE DATE |
| COMMENTS | |
| DATE Apr. 27, 1987 | BY <i>[Signature]</i> |

*

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

Roll # 3