

BOARD OF ZONING APPEALS
MINUTES

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas, was held at 1:30 p.m., January 24, 1984 in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

The following members were in attendance: JOHN SLAYMAKER, Chairman; WILLIAM GOEBEL, EARL HENDERSON, TOM JACOB and MARY KOPIETZ.

Also present were Jack Galbraith, Glen Lytle and Shirley Doramus of the Planning Department staff.

1. Approval of the minutes of January 3, 1984.

MOTION: KOPIETZ moved, HENDERSON seconded, that the minutes be approved as mailed. Motion passed 5-0.

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2. Case No. BZA 69-83 - Jack Hunt, Bonanza, Inc., 321 East William, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita requesting an exception to permit the construction of residential storage warehouses on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

A tract of ground in Lot 2, Block A, Sweetbriar Addition, beginning at the Northeast corner of said Lot 2, thence south on the East line of said lot a distance of 165 feet; thence westerly parallel to the north lot line a distance of 435 feet; thence southwesterly at a radius of 120 feet, 57°21' for a distance of 119.45 feet; thence southwesterly parallel to the northwesterly lot line of said Lot 2, a distance of 44 feet more or less to a point, said point being 250 feet Northeasterly from Halstead Street and 150 feet from the Northwesterly line of said Lot 2; thence Northwest to a point on the Northwest lot line said point being 250 feet from Halstead along this lot line; thence North-easterly along said Northwest lot line, a distance of 251 feet more or less to the Northwest corner of said Lot 2; thence Easterly along the North line of said Lot 2, a distance of 543.7 feet more or less to the point of beginning. Generally located on the west side of Amidon approximately 200 feet south of Marigold.

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

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 28.04.183.5 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the construction of residential storage warehouses in the "BB" Office District. This is an area recently zoned the "BB" Office District from the "AA" One-family Dwelling District by the applicant for the express purpose of establishing said use. The applicant has amended the Community Unit Plan to permit the use on the property which has been approved by the Planning Commission and the City Commission.

When such a use is established adjacent to a residential district, a 15' landscaped yard is required. In this case a wall at the north and west property line is in place as required by the Community Unit Plan. The applicant's site plan indicates a 15' planting area but does not indicate the type of landscape material to be installed. The applicant also indicates that a 20' landscaped yard will be provided adjacent to Amidon that will provide some protection to the residences to the east.

RECOMMENDATION:

Should the Board determine that Residential Storage Warehouses are appropriate at this location, then it is the Secretary's recommendation that the application be approved subject to the following conditions:

1. Prior to the release of the Resolution authorizing the construction of Residential Storage Warehouses, an amended site plan, in triplicate, shall be submitted to the Secretary to become part of the file. Such site plan shall show compliance with all conditions as set forth herein. This shall be submitted within 180 days, or the case will be considered null and void and the case closed.
2. A 15' landscaped yard shall be provided adjacent to the residentially zoned properties to the north and west. A landscape plan showing type and size of plant materials shall be submitted to the Secretary for approval.
3. The existing screening wall along the applicant's property line shall be maintained.
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant. Such fence shall not interfere with any utility easements.
5. Any side of the buildings providing access to storage areas shall maintain a 25' setback from any property line that is adjacent to any residential zoning district.

6. Off-street parking shall be provided by ordinance on the basis of one space for each 8,000 square feet of floor area in the facility.
7. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
11. Signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
14. No outdoor storage of any kind shall be permitted on the premises.
15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent or his representative to assure compliance that no commercial storage is occurring in violation of this resolution.
17. Only one point of ingress/egress shall be permitted to/from subject project. That access being from Amidon Street.
18. All areas not paved as required by condition of approval #7 shall be landscaped with deciduous and coniferous plant materials. The amended site plan, as set forth in condition #1 shall include the landscaping material to be used. Provisions shall be made for watering and maintaining the landscaping in good condition.

19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.

LYTLE stated the CPO Council voted 8-0 to approve the exception.

Lawrence Wells, Agent, reviewed the requirements and stated his client had either complied with or has concurred with the recommended conditions.

KOPIETZ asked if a feasibility study had been done? Mr. Wells replied, the applicant had done a study and felt that residential warehouse units are needed in the area.

No one appeared in opposition.

MOTION: KOPIETZ moved, GOEBEL seconded that the exception to permit the establishment of residential storage warehouses be granted subject to the conditions set out in the Secretary's Report. Motion passed 5-0.

The official action of the Board is reflected in the adoption of Resolution No. BZA 69-83 which includes the following conditions of approval:

1. Prior to the release of the Resolution authorizing the construction of Residential Storage Warehouses, an amended site plan, in triplicate, shall be submitted to the Secretary to become part of the file. Such site plan shall show compliance with all conditions as set forth herein. This shall be submitted within 180 days, or the case will be considered null and void and the case closed.
2. A 15' landscaped yard shall be provided adjacent to the residentially zoned properties to the north and west. A landscape plan showing type and size of plant materials shall be submitted to the Secretary for approval.
3. The existing screening wall along the applicant's property line shall be maintained.
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant. Such fence shall not interfere with any utility easements.
5. Any side of the buildings providing access to storage areas shall maintain a 25' setback from any property line that is adjacent to any residential zoning district.

6. Off-street parking shall be provided by ordinance on the basis of one space for each 8,000 square feet of floor area in the facility.
7. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
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11. Signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
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15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent or his representative to assure compliance that no commercial storage is occurring in violation of this resolution.
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19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.
