

BOARD OF ZONING APPEALS

MINUTES

JUNE 22, 1982

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

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

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

1. Approval of the minutes of May 25, 1982.

KOPIETZ called attention to case BZA 16-82 on page 7 and stated that she would like it in the record that the favorable consideration of this case is not to be construed as a change in policy of the Board to favor higher signs, but if approved, it is because of the obstruction of the view of the present sign by the new interchange and is not to be considered a precedent for others having similar obstructions.

MOTION: GOEBEL moved, SLAYMAKER seconded that the minutes be approved with the noted correction. Motion passed 4-0 (JACOB absent).

2. Case No. BZA 19-82 - Builder's Inc., 1000 Parklane, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita requesting an exception to permit the establishment of residential storage warehouses in the "LC" Light Commercial District and legally described as follows:

Lot 8, Block 9, Pawnee Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Meridian.

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 "LC" Light Commercial District. This is for a portion of a property that has been zoned but undeveloped for a number of years.

The proposed facility would be for over 61,000 square feet of warehouse buildings providing approximately 450 rental units. The facility would be oriented toward Meridian with the office and control point on the west. The alley to the east should be vacated or improved and in this particular case the alley is not open or being used for access to the properties on the east.

It will be necessary for the applicant to provide a 20-foot landscaped yard adjacent to Haskell and a 25-foot landscaped yard adjacent to the residential zoning to the east. In addition those particular sides must be provided with either a screening fence or the buildings shall be used for screening the activity of the use from the residences. The applicant's plan shows compliance with these requirements.

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, and in addition the applicant shall furnish the Secretary two copies of the architectural design of the facility approved by the Superintendent of Central Inspection as to the architectural compatibility with the surrounding development. This shall be submitted within 90 days, or the case will be considered null and void and the case closed.
2. A 25-foot landscaped yard shall be provided along the east property line that is adjacent to the "RB" Four-family Dwelling District. A 20-foot landscaped yard shall be provided along the north property line that is adjacent to Haskell.
3. A six to eight foot screening fence shall be provided at any point along the east or north wherever the buildings are not used for screening. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
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.

5. Any side of the buildings providing access to storage areas shall maintain a 35-foot setback from the property line.
6. Off-street parking shall be provided on the basis of one space for each 2,000 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 use 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 feet 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 two points of ingress/egress shall be permitted to/from subject property. That access being from Meridian Avenue.
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. This exception shall apply only to the north 280 feet of the property included in the application area.
20. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility and the total project completed within 18 months of the start of construction.

LYTLE stated the CPO Council had a 2-2 moot vote for approval. Some felt that the use for this location was not appropriate. HENDERSON asked LYTLE about the minimum lot area for residential storage warehouses. LYTLE replied this project is for 61,000 square feet of building area on a site in excess of 3 acres which is more than the 2 acre minimum. This minimum applies only for the storage warehouses in other than the "C", "E" or "F" zoning districts.

Alex Dean, representing the applicant commented they had a problem in determining what to build on the remainder of the property. We have to determine what is marketable. Since this area is a highly populized area, we hope we can put a convenience store on the corner. He stated the comments in the recommendation of the staff is acceptable except number 20. It was their intention to develop the area in two phases. That portion adjacent to Meridian would be constructed first and would request partial occupancy before the east phase would be completed. We would like to ask for rewording or an exception on this item.

GALBRAITH stated that this would defeat the purpose of the minimum lot area to develop the west half and develop the east half later, unless it was stated that the second phase would be completed within 12 months. HENDERSON agreed with GALBRAITH. HENDERSON added that the landscaping, fencing, etc. be completed before any occupancy. SLAYMAKER asked Mr. Dean if there were any other conditions in the staff recommendations that he thought would be a problem with other than condition No. 20? Mr. Dean replied no. HENDERSON made a recommendation to add the word site in front of improvements and that would take care of the matter.

Jay Maxwell, agent, stated that the financing arrangements would run for 18 months when construction begins and he would appreciate any time limit granted to 18 months.

No one appeared in opposition.

MOTION: HENDERSON moved, GOEBEL seconded that the exception to permit the establishment of residential storage warehouses be granted subject to the conditions furnished in the Secretary's Report adding to condition 20 the word "site" in front of the word improvements and also adding the following to read, "All construction shall be completed within 18 months from the beginning of construction". Motion passed 4-0-(JACOB absent).

The official action of the Board is reflected in the adoption of Resolution No. BZA 19-82 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, and in addition the applicant shall furnish the Secretary two copies of the architectural design of the facility approved by the Superintendent of Central Inspection as to the architectural compatibility with the surrounding development. This shall be submitted within 90 days, or the case will be considered null and void and the case closed.
2. A 25-foot landscaped yard shall be provided along the east property line that is adjacent to the "RB" Four-family Dwelling District. A 20-foot landscaped yard shall be provided along the north property line that is adjacent to Haskell.
3. A six to eight foot screening fence shall be provided at any point along the east or north wherever the buildings are not used for screening. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
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.
5. Any side of the buildings providing access to storage areas shall maintain a 35-foot setback from the property line.
6. Off-street parking shall be provided on the basis of one space for each 2,000 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 use 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 feet 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 two points of ingress/egress shall be permitted to/from subject property. That access being from Meridian Avenue.
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. This exception shall apply only to the north 280 feet of the property included in the application area.
20. All site improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility and the total project completed within 18 months of the start of construction.

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3. Case No. BZA 20-82 - George W. & Vicki J. France, 8201 East Harry, #1504, Wichita, Kansas, requesting a variance to reduce the required lot area for a fourplex from 6,000 square feet to 5,000 square feet on property zoned "LC" Light Commercial district and legally described as follows:

East 100' of Lots 1102 and 1104 Bitting Avenue,
Grieffenstein's Addition, Sedgwick County, Kansas.
Generally located on the northwest corner of 11th
and Bitting.