

Case No. BZA 7-86 - East Wichita
Partners requests an exception to permit
the establishment of a garden center on
property zoned the "LC" Light Commercial
District & generally located on the N
side of Kellogg and west of the Turn-

POSTED
3-24-86 GEL

ACTION

BZA 7-86 APPROVED 4/22/86
DATE

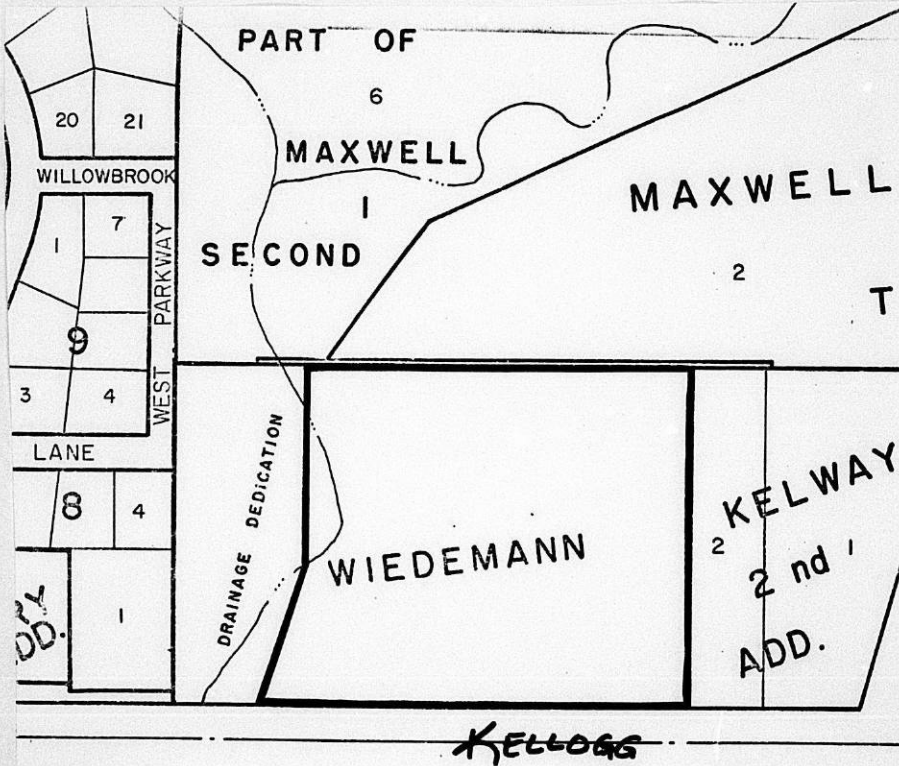
200' 4 Sec 6-5-86
skat 6/1/86
Record 1

Map No. 6047 B

BZA 7-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" S "LC" W "LC" & "AA" N "LC" & "AA"
3. Land Use: East Comm South Auto Sales
West I-F & Comm North Hotel
4. Area (is) (~~is~~) platted.



WASHINGTON
No. 2153C
LOS ANGELES, CHICAGO, LOS AN, OH
MEMPHIS, TX, LOCUST GROVE, SA
U.S.A.

Standard

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 20, 1991

TO: Mark Wagner, Building Plans Examiner
FROM: Louise Olivarez, Secretary, Board of Zoning Appeals *LO.*
SUBJECT: BZA 7-86 - Amended site plan for garden center at
8600 E. Kellogg (K-Mart)

I have reviewed the proposed new location for the K-Mart garden center at 8600 East Kellogg, as required by condition #6 of BZA Resolution 7-86. The plans appear to be in accordance with Section 28.04.183(7) of the zoning ordinance, as well as with this BZA resolution, which limits the outdoor garden center area to a maximum of 8,500 square feet, exclusive of any outdoor display area within 10 feet of the building, as permitted by Section 28.04.090(1.2) of the zoning ordinance. I agree with your calculations as follows:

Total new garden shop area (180 ft. x 51-1/4 ft.) =	<u>Sq. Ft.</u> 9,225
Less area allowed per 28.04.090[1.2](10 ft. x 180 ft.) =	<u>1,800</u>
Area calculation per condition #1 of BZA 7-86 =	7,425

Please make sure the screening required along the west property line (per DP-15) is maintained. If some of the plant materials in this landscape screen have died, their replacement should be a condition of a certificate of occupancy for this remodeling.

LO:jcm

08 EXP/ 3" = 1'

6025

AREA NOT INCLUDED

PROPOSED K-MART EXPANSION AREA 20,000 S.F. (EXIST. FOODSTORE)

EXISTING K-MART #4174
84,000 S.F.
EXPANSION 20,000 S.F.
TOTAL 104,000 S.F.

NEW GARDEN SHOP 9225 S.F.

350

100'

240

180

51'-3"

EXIST CONC PAV

EXIST CONC

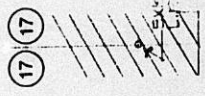
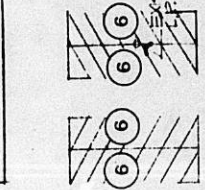
350

02

02

04

05



19



EXISTING ASPHALT PAVING

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION

DATE: February 20, 1991

TO: Louise Olivarez, MAPD

FROM: Mark Wagner, Building Plans Examiner

SUBJECT: K-Mart 8600 East Kellogg
and BZA 7-86

According to BZA 7-86 Condition #6, any change in location of outdoor storage area shall be subject to review and approval. K-Mart is increasing its garden shop area to the north and west. I am submitting these plans for your review and written approval.

CID is interpreting the garden shop area per Condition #1 as follows:

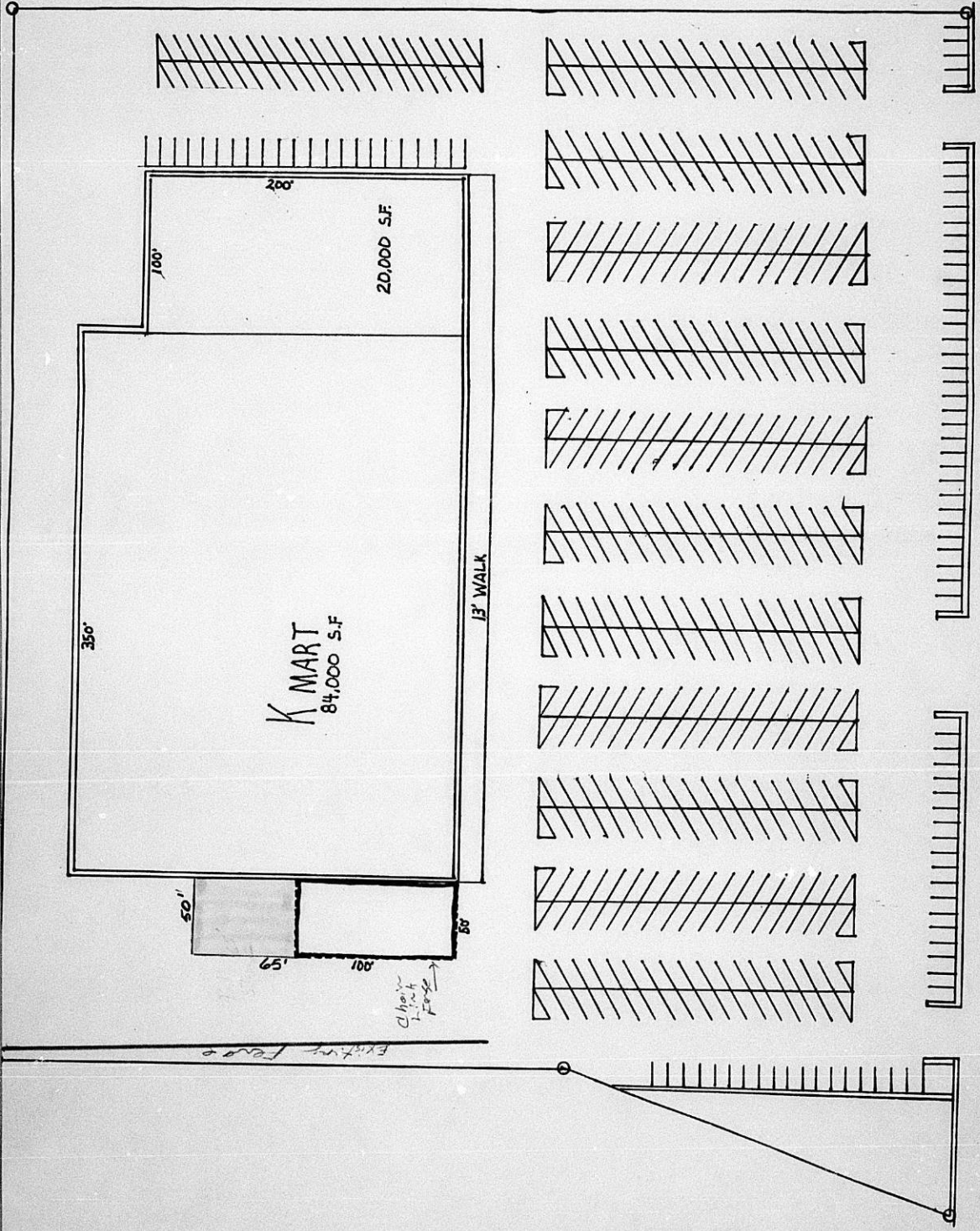
Total garden shop area: 9,225 sq. ft.

10' area allowed per 28.04.090(1.2): 10 x 180 = 1,800 sq. ft.

Area used to meet Condition #1: 9,225 - 1,800 = 7,425 sq. ft.

Does this interpretation meet the intent of Condition #1 where MAPD is concerned? If not, advise me on the remedial action required to fix the situation.

MW:eh



April 23, 1986

J. A. Sheldon, Manager
K-Mart
8600 East Kellogg
Wichita, Kansas 67207

Re: BZA 7-86 Request for Variance (On the north side of Kellogg and
east of the Turnpike interchange - 8600 E. Kellogg)

Dear Mr. Sheldon:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on April 22, 1986.

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.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
East Wichita Partners, 922 W. Ridge Pike, Conshohocken, PA 19828

RESOLUTION CASE NO. 7-86

WHEREAS, East Wichita Partners, 922 West Ridge Pike, Conshohocken, Pennsylvania, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a garden center on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Wiedemann Addition to Wichita, Sedgwick County, Kansas, except that portion replatted as Kelway Second Addition. Generally located on the North side of Kellogg and west of the Turnpike interchange (8600 East Kellogg).

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 April 22, 1986, 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 garden center 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 garden center on property zoned the "LC" Light Commercial District legally described as follows:


Lot 1, Wiedemann Addition to Wichita, Sedgwick County, Kansas, except that portion replatted as Kelway Second Addition. Generally located on the North side of Kellogg and west of the Turnpike interchange (8600 East Kellogg).

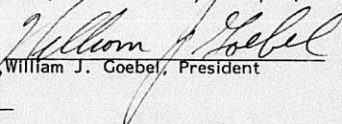
subject to the following conditions:

1. The area used for the garden center shall not exceed 8,500 square feet on the west side of the main building. This area shall be in addition to the outdoor display within ten feet of the building permitted by Section 28.04.090(1.2) of the zoning ordinance.
2. The existing screening along the west property line shall be maintained. Should the area to the north be developed with residential uses, then the screening shall be extended to screen the outdoor storage area from the north.
3. If lighting is provided, it shall be shielded to reflect or direct light away from adjoining properties.
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. No vehicles shall be used in conjunction with the business unless they are stored within an enclosed building.
6. Any change in the location of the outdoor storage area shall be subject to review and approval of the Superintendent of Central Inspection and the Secretary of the Board of Zoning Appeals. Modifications may be made, provided it is determined to be in conformance with the conditions set forth in Section 28.04.183.7 of the zoning ordinance and this resolution.

ADOPTED AT WICHITA, KANSAS, this 22nd day of April, 1986.

ATTEST


Glen E. Lytle, Assistant Secretary


William J. Goebel, President

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE April 8, 1986

TO Glen Lytle, Special Assistant for Zoning
FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 7-86: North side of
Kellogg and West of the Turn-
pike interchange (8600 E. Kellogg)

On Monday, April 7, 1986, CPO Council Area "H" considered the above captioned case, a request for an exception to permit the establishment of a garden center on property zoned the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. After extensive discussion, the Council voted 6-0 to recommend approval of the request.

The agent, J. A. Sheldon, was present to describe the request and respond to questions from the Council members and area residents. According to Mr. Sheldon, the K-Mart store wants to operate a garden supply business and would like to store large bulky items outside the store. According to zoning ordinances, technically a store is not allowed to operate outside the building with a "LC" zoning permit, therefore he requested the exception.

Council members stated that they were aware of the zoning stipulations but had no problems in approving the request for an exception.

Please provide these comments to the Board of Zoning Appeals when Case BZA 7-86 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED
APR 08 1986
METROPOLITAN PLANNING
ROUTE _____

RE: AGENDA ITEM NO 5

SECRETARY'S REPORT CASE NO. BZA 7-86

APPLICANT: East Wichita Partners, 922 West Ridge Pike,
Conshohocken, PA 19828

AGENT: J. A. Sheldon, Manager, K-Mart, 8600 E.
Kellogg, Wichita, KS 67207.

REQUEST: Exception pursuant to Section 28.04.183.7
Code of the City of Wichita to permit the
establishment of a garden center adjacent to
the K-Mart Store.

GENERAL LOCATION: On the north side of Kellogg and east of the
Turnpike interchange (8600 E. Kellogg).

ZONING: Subject property is zoned the "LC" Light
Commercial District as are the properties to
the east, south and west. To the north is
the "AA" One-family Dwelling District.

LAND USE: Subject property is occupied by the K-Mart
Store. To the west is a T.B.A. Store and
drainageway. To the east an appliance store
and motel. To the south an automobile sales
agency and to the north is a hotel and vacant
land.

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 to permit the establishment of a garden center adjacent to the store on the west. This is being requested on the basis that the area extends beyond the permitted outdoor display of merchandise allowed in the "LC" Light Commercial District. The area is not fully enclosed as is required by Section 28.04.090(1.28) which would not require this approval by the Board of Zoning Appeals. Under 28.04.183.7 the Board may grant the exception for a garden center provided that the property is adjacent to a major street and the area used for outdoor storage shall be adjacent to the building.

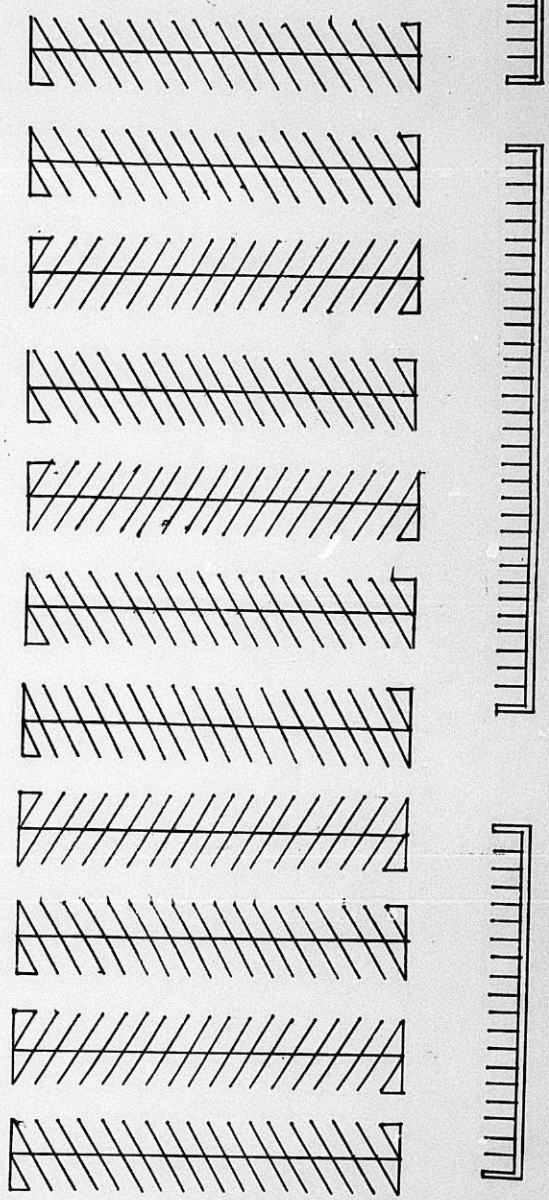
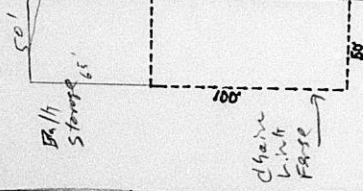
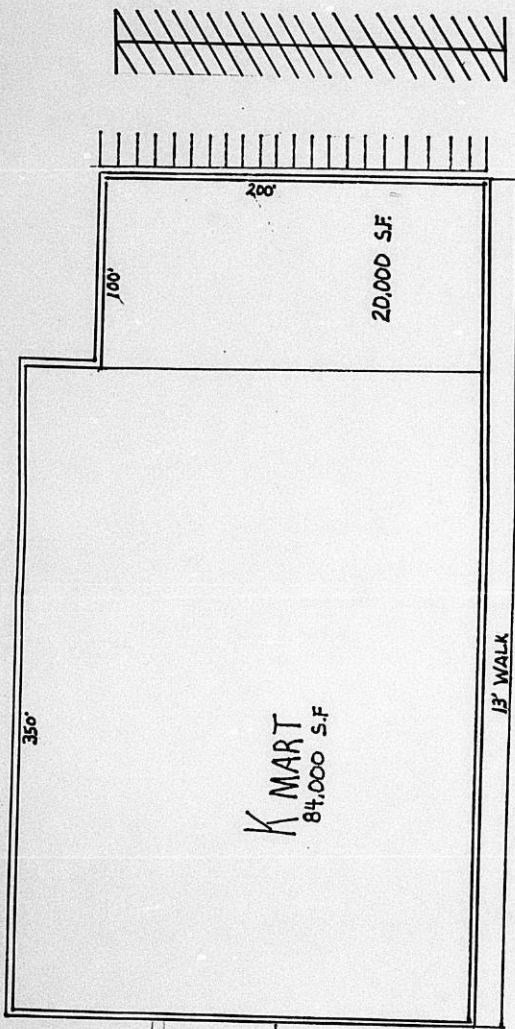
The site plan submitted with the application indicates the area to be used is immediately adjacent to the building on the west. A portion of the area will be fenced (50' x 100') and an area will be used for open storage of bagged fertilizers, top soil, peat moss and decorative rock (50' x 65'). The area is screened from the west by a metal fence along the west property line and the distance to Kellogg is approximately 300 feet. To the north is an area that may be developed with accessory outdoor uses with the hotel. At the present time it is undeveloped and contains a number of trees that will screen the outdoor storage from view of the residences to the northwest.

The applicant does not contemplate the use of any additional structures for this use. The area does not use any of the required parking spaces for the main use on the property, nor is the area to be used located within 25 feet of the street right-of-way.

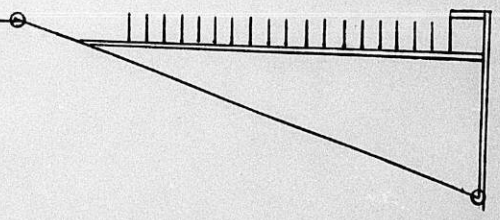
RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, then it is recommended that the approval should include the following conditions:

1. The area used for the garden center shall not exceed 8,500 square feet on the west side of the main building. This area shall be in addition to the outdoor display within ten feet of the building permitted by Section 28.04.090(1.2) of the zoning ordinance.
2. The existing screening along the west property line shall be maintained. Should the area to the north be developed with residential uses, then the screening shall be extended to screen the outdoor storage area from the north.
3. If lighting is provided, it shall be shielded to reflect or direct light away from adjoining properties.
4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
5. No vehicles shall be used in conjunction with the business unless they are stored within an enclosed building.
6. Any change in the location of the outdoor storage area shall be subject to review and approval of the Superintendent of Central Inspection and the Secretary of the Board of Zoning Appeals. Modifications may be made, provided it is determined to be in conformance with the conditions set forth in Section 28.04.183.7 of the zoning ordinance and this resolution.



Front Porch



4174 **Kmart** ^M
8600 EAST KELLOGG
WICHITA, KANSAS 67207

BZA CASE NO. 7-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>9</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>12</u>	TOTAL NOTICES SENT <u>3/27/86</u>

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

MARCH 27, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 7-86

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 East Wichita Partners, 922 West Ridge Pike, Conshohochen, Pennsylvania 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 garden center on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Wiedemann Addition to Wichita, Sedgwick County, Kansas, except that portion replatted as Kelway Second Addition. Generally located on the North side of Kellogg and west of the Turnpike interchange (8600 East Kellogg).

This application has been assigned Case No. BZA 7-86. It will be considered by the Board of Zoning Appeals on April 22, 1986 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 7-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant East Wichita Partners
 Mailing Address 922 West Ridge Pike Phone 800 523 9092
Conshohocken, PA. 19328
 Name of Authorized Agent H. Mat (F.A. Shelton)
 Mailing Address 8600 E Hellogg Phone 685 2341
Wichita KS 67207
 Relationship of applicant to property is that of Tenant
 (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 a garden center and storage of merchandise available for retail sale outside of an enclosed Bldg. on property zoned "LC" light commercial located 8600 East Hellogg, Wichita, KS and legally described as: Lot 1 Wiedman Addition except that part replatted as Kelway 2nd Addition, Wichita, Sedgewick 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 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 Sedgewick County to appeal the decision of the Board.

Applicant East Wichita Partners

Authorized Agent H. Mat (F.A. Shelton)

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m./p.m.), MAR 19, 1986, together with appropriate fee of 400.00.

Signed [Signature]

OWNERSHIP LIST

Property Description

Property Owner

That part of Lot 1, Wiedmam Addition described as: Beginning at a point on the Easterly line of the drainage dedication as shown in the plat of said addition, which point is 30 feet North of the South line of said Lot 1, of said Wiedemann Addition; thence along the Easterly line of said drainage dedication to the North line of said Lot 1, thence East along the North line of said Lot 1, 800 feet; thence South 572.5 feet to a point 30 feet North of the South line of said Lot 1, thence West 879.31 feet to the point of beginning, except that part now platted as Kelway 2nd Addition. And The South 30 feet of the West 1010 feet of said Wiedemann Addition, except that part included in the drainage dedication shown on the plat of said Wiedemann Addition, except an easement created by instrument recorded in Miscellaneous Book 581, at page 272.

✓ East Wichita Partners
922 West Ridge Pike
Conshohocken, Penn.
19428

Perpetual roadway easement over and across a 30 foot strip lying north and west of the following described line: Beginning at a point 61.2 feet north of the Southwest corner of the Southeast Quarter of Section 20, Township 27 South, Range 2 East of the 6th P.M., thence east and parallel to the South line of said quarter section a distance of 1187 feet, more or less, to a point which is a distance of 1462.25 feet west of the East line of the Southeast Quarter of said Section; thence northeasterly along the Kansas Turnpike Authority right of way, making an interior angle of 74°55'30" more or less, a distance of 549.21 feet; thence north parallel with the West line of said quarter section to the North line of the South half of the South half of the Southeast Quarter of said section. (Now platted as a portion of Lot 1, Wiedemann Addition and a portion of Lots 1 and 2, Kelway Addition.

✓ Kapar Associates III
& Lawrence E. Kapar
1460 Fourth Street
Suite # 204
Santa Monica, California
90401

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Kelway 2nd Addition	✓ Kelway Inc. 6572 East Central 67206
Lot 2 "	✓ Kapar Associates III & Lawrence E. Kapar 1460 Fourth Street Suite # 204 Santa Monica Calif. 90401
Lot 1, Block 1, Lankin Addition	✓ Robert W. Moore Route 1, Box 149 A Oklahoma City, Okla. 73069
Lot 1, Block 1 Lankin Second Addition	Same as above
Lot 1, East Turnpike Entrance Addition	✓ Seldin Development A Management Co. 13057 West Center Road Omaha, Nebraska 68144
A tract described as that part of the Northeast Quarter of Section 29, Township 27 South, Range 2 East of the 6th P.M. lying North and West of the Kansas Turnpike right of way condemned in Case No A-55770, except the West 716.48 feet of the North 690 feet of said NE $\frac{1}{4}$, and except that part condemned for State Highway purposes in Case No A-17549, and except Lot 1 of the East Turnpike Entrance Addition, and except that part platted as Davis-Moore Addition, and except the East Turnpike Entrance 2nd Addition.	Same as above
Lot 1, Weaver-Reimold Addition	✓ Executives, Inc. & Harry Pollak 601 LongBoat Club Road LongBoat Key, Florida 33548
Lot 2, Block 1 Maxwell 3rd Addition	✓ Corporate Hills Hotel Associates Box #17087 Wichita, 67217

Property Description

Property Owner

Lot 6, Maxwell 2nd Additon

✓ Hugh S. Maxwell
2381 Algonquin
Schenectady, New York
12309

✓ Jacquelyn Fay Maxwell
436 San Bruno
San Francisco
94110

Lot 1, Ruth Addition

✓ United Life and Accident
Insurance Co.
#2 White Street
Concord, New Hampshire
03301

Loyal Protective Life
Insurance Company
(Boston, Mass,)
Address Unknown

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

Lot 1, Wiedemann Addition, Wichita, Kansas
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 13th day of March, 1986
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

BY

Mary Doble
Sr. Vice-President

Order No: 357324
ap

February 10, 1986

Mr. J. A. Sheldon
K-Mart #4174
8600 East Kellogg
Wichita, Kansas 67207

RE: DP-15 - Outside storage area

Dear Mr. Sheldon:

This letter is in response to your recent inquiry to Mike Lindebak, Acting Director of Planning, regarding the outside storage of merchandise in the "LC" Light Commercial District. I am enclosing a copy of those sections of the zoning ordinance related to limitations of outside storage and garden centers in the "LC" District.

I am not certain by your letter whether you are requesting approval under Section 28.04.090 (1.28), or whether you are requesting an exception to permit a garden center under Section 28.04.183-7. Most of your letter refers to that section that limits the area to 10 percent of the floor area. However, conversation I had with an attorney 10 or 11 months ago leads me to believe that Section 28.04.183-7 is what you are really requesting.

If this is true, please file the enclosed application along with the necessary ownership list, site plan and details of the enclosure. As you will note, this application must be filed in this office by February 24, 1986 in order to be scheduled for hearing before the Board of Zoning Appeals on Tuesday, March 25, 1986.

If you have any questions, or wish to pursue the Section of 28.04.090 (1.28), please give me a call at 268-4421.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw
Enclosures
cc: Joe Donnelly, Central Inspection Division

RECEIVED

JAN 20 1986

METROPOLITAN PLANNING
ROUTE MAIL

Kmart #4174
8600 E. Kellogg
Wichita, KS 67207
January 14, 1986

Mike Lindebak
Acting Director of Planning
455 N. Main, 10th floor
Wichita, KS 67202

Dear Mr. Lindebak,

I would like to apply for an exception to the zoning ordinance that prohibits the storage of merchandise outside or enclosed buildings. I have an existing 50 x 100 ft. chain link fence which I will use for live plants, trees, and shrubs. In addition, I would like to store pallets of bagged fertilizer, top soil, peat moss and decorative rocks etc... in one area north of the 50 x 100 ft. chain link fence. The additional storage area will be approximately 50 x 65 ft.

The area is presently shielded to the west by landscaping and a 6½ ft. high steel fence, and to the east by my store. I have no neighbors to the south and to the north only a wooded area. As you can see, the entire area I purposed is 50 x 165 ft. or 8250 sq. ft., this is less than 10% of the total square feet of my building.

The attached drawing shows that even after the outside storage area is completed, we will have over 480 parking places available for use. This is more than the minimum requirement of 1 per 250 sq. ft. of retail space.

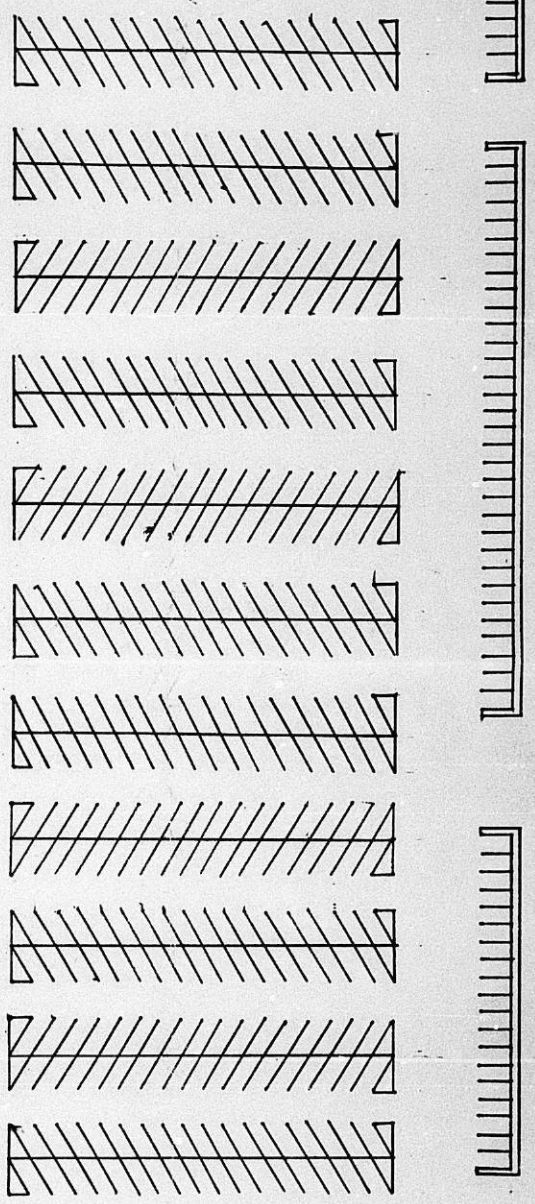
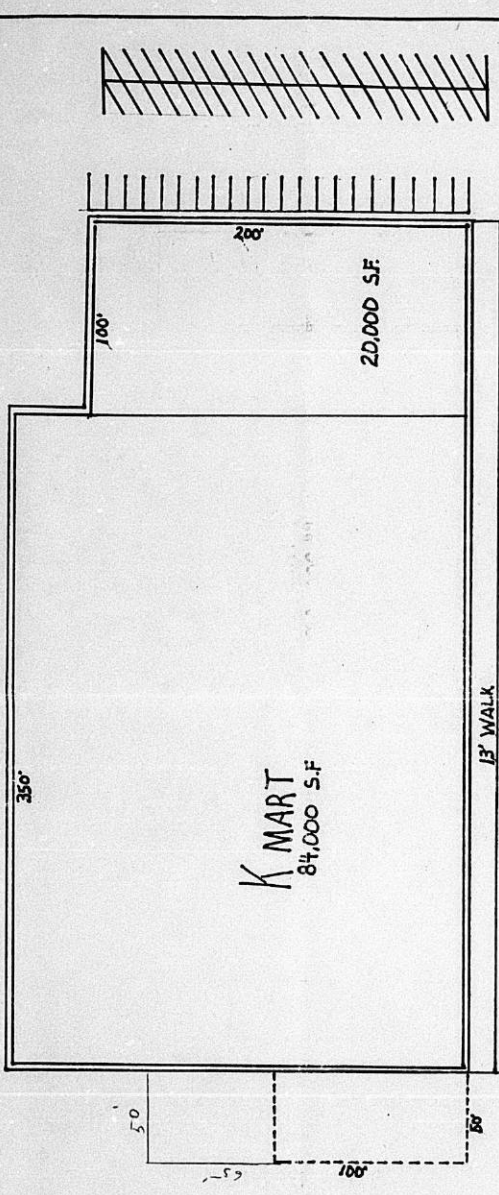
Please, at your earliest convenience, consider my request for an exception. For any other details you may need to know, feel free to contact me.

Sincerely yours,

J. A. Sheldon

J. A. Sheldon
General Manager

cc: Glen Lytle



N
E
W
S

4174 Kmart M
8500 EAST KELLOGG
WICHITA, KANSAS 67207

RECEIVED

JAN 20 1986

METROPOLITAN PLANNING

ROUTE 1014

Kmart #4174
3600 E. Kellogg
Wichita, KS 67207
January 14, 1986

Mike Lindebak
Acting Director of Planning
455 N. Main, 10th floor
Wichita, KS 67202

Dear Mr. Lindebak,

I would like to apply for an exception to the zoning ordinance that prohibits the storage of merchandise outside or enclosed buildings. I have an existing 50 x 100 ft. chain link fence which I will use for live plants, trees, and shrubs. In addition, I would like to store pallets of bagged fertilizer, top soil, peat moss and decorative rocks etc... in one area north of the 50 x 100 ft. chain link fence. The additional storage area will be approximately 50 x 65 ft.

The area is presently shielded to the west by landscaping and a 6½ ft. high steel fence, and to the east by my store. I have no neighbors to the south and to the north only a wooded area. As you can see, the entire area I purposed is 50 x 165 ft. or 8250 sq. ft., this is less than 10% of the total square feet of my building.

The attached drawing shows that even after the outside storage area is completed, we will have over 480 parking places available for use. This is more than the minimum requirement of 1 per 250 sq. ft. of retail space.

Please, at your earliest convenience, consider my request for an exception. For any other details you may need to know, feel free to contact me.

Sincerely yours,

J. A. Sheldon

J. A. Sheldon
General Manager

cc: Glen Lytle

Kmart #4174
8600 E. Kellogg
Wichita, KS 67207
January 14, 1986

Mike Lindebak
Acting Director of Planning
455 N. Main, 10th floor
Wichita, KS 67202

RECEIVED
JAN 20 1986
METROPOLITAN PLANNING
ROUTE BY LYTL

Dear Mr. Lindebak,

I would like to apply for an exception to the zoning ordinance that prohibits the storage of merchandise outside or enclosed buildings. I have an existing 50 x 100 ft. chain link fence which I will use for live plants, trees, and shrubs. In addition, I would like to store pallets of bagged fertilizer, top soil, peat moss and decorative rocks etc... in one area north of the 50 x 100 ft. chain link fence. The additional storage area will be approximately 50 x 65 ft.

The area is presently shielded to the west by landscaping and a 6½ ft. high steel fence, and to the east by my store. I have no neighbors to the south and to the north only a wooded area. As you can see, the entire area I purposed is 50 x 165 ft. or 8250 sq. ft., this is less than 10% of the total square feet of my building.

The attached drawing shows that even after the outside storage area is completed, we will have over 480 parking places available for use. This is more than the minimum requirement of 1 per 250 sq. ft. of retail space.

Please, at your earliest convenience, consider my request for an exception. For any other details you may need to know, feel free to contact me.

Sincerely yours,

J. A. Sheldon
J. A. Sheldon
General Manager

cc: Glen Lytle

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME QUENTIN KURTZ, A.H. DATE 5/13/85
 PHONE _____ PHONE _____ COUNTER _____
 PROPERTY LOCATION K-Mark's MAP # _____
East Kellogg, 47th St & Blaney, North - 21st & East of Oliver
All in C.U.P's DR-15, DP-68 & DP-8

NATURE OF REQUEST:

CITY ZONING X COUNTY ZONING _____ CONDITIONAL USE _____

PLAT _____ LOT SPLIT _____ BZA _____

VACATION _____ DEDICATION _____ STREET NAME CHANGE _____

REMARKS: *Have been cited by C.I.D. for zoning violations of Garden Centers. Trying to resolve location, area, zoning limitations under 28.04.090 (1.28) of "C" Dist. Will probably file for approval of expanded area on east store and approval by Plan Div and S. of C.I.D. - noted that site plan shall include all parking & the layout should observe fire lane easements or should vacate and re-dedicate same. The south location he may attempt to secure "C" zoning and an admin. adjustment on the provision related to 28.04.090 (1.28). He thought the location on DP-8 could be lived with at this time.*

ROUTE TO:
 GALBRAITH OLIVARZ SMITH 2 WATTS
~~SHIRKEY~~ ~~NEWBY~~ RICHTER BORGAN NEEK 3
 LAKIN _____ STOCKWELL _____ RETURN TO LYTUE

COMMENTS:

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-1111 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
Co-17A Excav	1400.00
NAME	K. M. ...
ADDRESS	1600 E. Kelly
FUND	753-40710-103
COMMENTS	
DATE	1960 11 17 56
BY	[Signature]