

Case No. BZA 14-84 - Duckwall-Alco Stores, Inc. - requests an exception to permit the establishment of a part time nursery & garden center outside of an enclosed building on property zoned the "LC" Light Commercial District

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

ACTION

BZA 14-84 APPROVED 3-27-84  
DATE

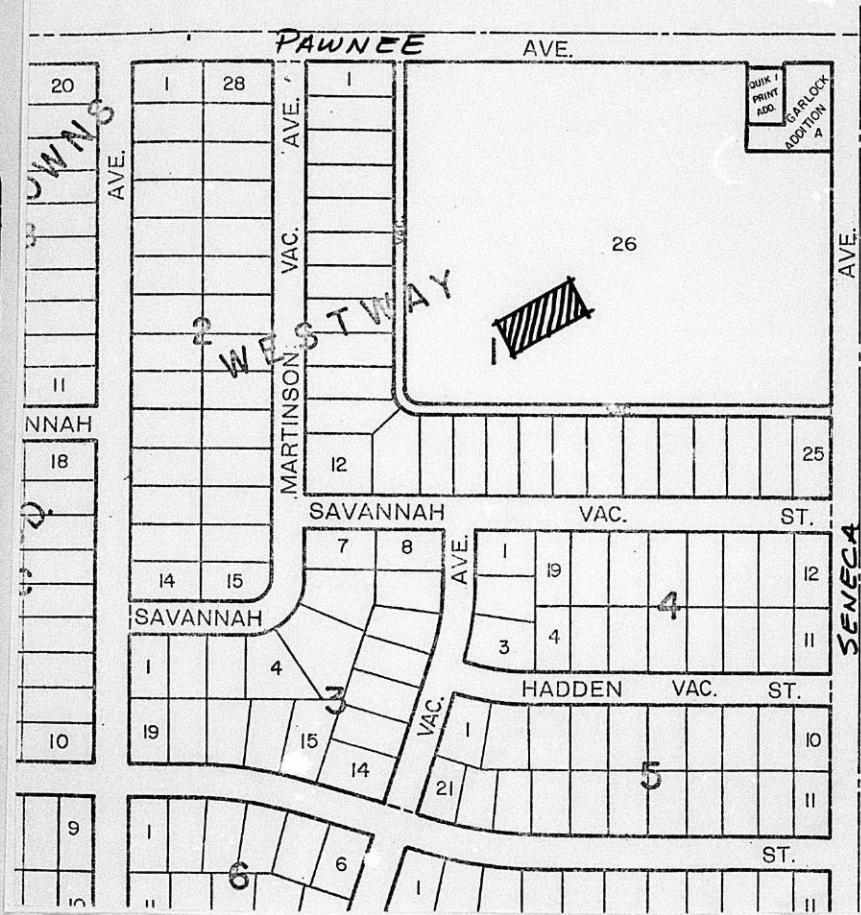
POSTED 5-9-84  
Shot 5-22  
Record

Map No. 5344

BZA 14-84  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E LC S LC W LC N LC
3. Land Use: East Com. South Com.  
West Com. North Com.
4. Area (is) (is not) platted.



LOUISIANA  
HARTNESS, MN  
No. 2153C  
S. H. HARTNESS  
MEMPHIS, TENNESSEE  
U.S.A.

April 2, 1984

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

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

Dear Mr. Meysenburg:

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

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

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

CEL:sad

Encl.

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

RESOLUTION NO. BZA 14-84

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

An area in Parcel 1 of Westway Shopping Center known as C.U.P.-D.P.#21 that is developed on blocks 1,2,3,4 and 5 of Westway Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Pawnee and Seneca (2487 South Seneca).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 27, 1984, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of a part time nursery and garden center outside of an enclosed building on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.7, Code of the City of Wichita.

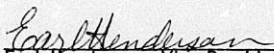
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a part time nursery and garden center outside of an enclosed building on property zoned the "LC" Light Commercial District legally described as follows:

An area in Parcel 1 of Westway Shopping Center known as C.U.P.-D.P.#21 that is developed on blocks 1,2,3,4 and 5 of Westway Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Pawnee and Seneca (2487 South Seneca).


subject to the following conditions:

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

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

  
Earl Henderson, Vice President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** March 26, 1984

**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Shirley Mast, Administrative Aide III

**SUBJECT** BZA 14-84 (Southwest corner of  
Pawnee and Seneca - 2487 S. Seneca)

CPO Council "B" considered the captioned case at its March 20th meeting and voted 6-1 to recommend approval of the exception to permit the establishment of a part time nursery and garden center outside of the enclosed building at the aforementioned location.

No one was present to speak in support or opposition to the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on March 27th.

  
Shirley Mast  
Administrative Aide III

SECRETARY'S REPORT  
CASE NO. BZA 14-84

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

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

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

GENERAL LOCATION: On the southwest corner of Pawnee and Seneca  
(2487 South Seneca).

ZONING: Subject property is zoned "LC" Light Commercial  
as are all neighboring properties.

LAND USE: Subject property is developed as a shopping center.  
Adjacent properties are also developed commercially.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.7 can be complied with.

COMMENTS BY THE SECRETARY:

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

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

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

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

RECOMMENDATION:

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

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

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

BZA CASE NO. 14-84

2 NOTICES SENT TO APPLICANT/AGENT  
LEGAL ADVERTISEMENT  
10 ~~NOTICES~~ SENT TO MAPC  
1 NOTICES SENT TO CPO  
5 NOTICES SENT TO ADJOINING PROPERTY OWNERS  
7 TOTAL NOTICES SENT 3-7-84

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

March 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 14-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Duckwall-Alco Stores, Inc., 401 Cottage, Abilene, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a part time nursery and garden center outside of an enclosed building on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

An area in Parcel 1 of Westway Shopping Center known as C.U.P.-D.P.#21 that is developed on blocks 1,2,3,4 and 5 of Westway Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Pawnee and Seneca (2487 South Seneca).

This application has been assigned Case BZA 14-84. It will be considered by the Board of Zoning Appeals on March 27, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 14-84

CITY OF WICHITA, KANSAS

FILED 2-27-84

APPLICATION FOR EXCEPTION

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

II. Application is made for an exception as provided in Section 2.12.590.C,  
 Code of the City of Wichita, Kansas, to permit the establishment of  
an 18' x 48' prefabricated, ribbed, vinyl plastic covered  
bedding plant sales house. This is a removable house-to be  
used from approximately 3/25 to 6/15 for the expressed  
purpose of protecting and selling bedding plants.  
 on property zoned Light Commercial - (CUP),  
 located 2487 South Seneca, Wichita, Kansas (Westway Shopping Center)  
 and legally described as: SEE ATTACHED LEGAL DESCRIPTION  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_, in the City of Wichita.

*use zoning  
from legal desc.*

*use legal  
description*

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
  - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
  - c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
  - d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant DUCKWALL-ALCO STORES, INC.

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

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

Signed [Signature]

EXHIBIT "A"

LEGAL DESCRIPTION

The legal description of the property is Block 1, Lots 1 to 26 inclusive with the exception of the Northeast corner of Block 1 measuring 158 feet by 158 feet; Block 2, Lots 1 to 28 inclusive, Block 3 Lots 1 to 19 inclusive, Block 4 Lots 1 to 19 inclusive, Block 5 Lots 1 to 21 inclusive, Also vacated Martinson Avenue, Savannah Street, Hadden Street and vacated alley in Block 1 lying within said areas.

Wichita, City of Wichita, Sedgwick County, Kansas



**DUCKWALL-ALCO STORES, INC.**

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

February 24, 1984

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

Dear Sirs,

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

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

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

Thank you for your consideration.

Sincerely,

*R. F. Meysenburg*  
R. F. Meysenburg

RFM/r1

attachments

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lots 1, 2, 3, 4, 5, 6 & 7, Block 1, Westway Park Addiiton	✓ Phil G. Ruffin 8450 Killarney Place 67206
A part of Blocks 1 & 2, and vacated Martinson Avenue as platted in West- way Park Addition described as beginning at the intersection of the North line of Crawford Street and the East line of Elizabeth Ave. as platted in said addition; thence North along the East line of said Elizabeth Ave, 519.2 feet for a place of beginning; thence with an angle to the right of 58 degrees 15', a distance of 423.39 feet; thence with an angle to the left of 90 degrees 00', a distance of 325 feet; thence with an angle to the left of 90 degrees 00' a distance of 159.93 feet; thence West 53.01 feet to the East line of said Elizabeth Ave; thence South 415 feet to the place of beginning	United States Postal Service, Washington, D.C. 2510 S. Elizabeth 67217
Lots 8 & 9, Block 1, except that part described immediately above; Lot 5, Block 2, except that part described immediately above; Lot 10, Block 2, except that part described immediately above; Lot 20, Block 2, except that part described immediately above; and Lots 24 & 25, except that part described immediately above, in Block 2; all in Westway Park Addition	Phil G. Ruffin 8450 Killarney Place 67206
Lots 10 through 25, odd & even inclusive, Block 2, Westway Park Addition	Same as Above

Property Description

Property Owner

Lot 26, except the North  
158 feet of the East 158  
feet thereof, Block 1,  
Westway Park Addition

D

Phil G. Ruffin  
8450 Killarney Place 67206

The North 158 feet of the  
East 158 feet of Lot 26,  
Block 1, Westway Park Addition

Westway, Inc.  
Address Unknown

Lots 1, 2, 3, & 4, Block 2,  
Westway Park Addition

D

Phil G. Ruffin  
8450 Killarney Place 67206

Lots 11, 12, 13, 14, 15, 16,  
17, 18 & 19 Block 2, Westway  
Park Addition

Same as Above

Lots 26, 27 and 28, Block 2,  
Westway Park Addition

Same as Above

Lots 1 through 19, odd & even  
inclusive, Block 3, Westway  
Park Addition

Same as Above

Lots 1 through 19, odd & even  
inclusive, Block 4, Westway  
Park Addiiton

Same as Above

Lots 1 through 21, odd & even  
inclusive, Block 5, Westway Park  
Addition

Same as Above

Lot 1, Quik Print Addition

Quik Print, Inc.  
✓ One Main Place Building 67202

The South 48 feet of Block A,  
Garlock Addiiton

Richard Q. Mohney  
✓ Barbara N. Mohney  
6409 E. 11th St. 67206

PAGE 3

Property Description

Property Owner

All of Block A, Garlock  
addition, except the South  
48 feet and except the part  
platted as Quik Print Addition

✓ Safelite Industries, inc.  
801 S. Wichita 67213

We hereby certify the foregoing to be a true and correct  
lits of the property owners of:

The hereinbefore described lots

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

THE SECURITY ABSTRACT & TITLE CO., INC.

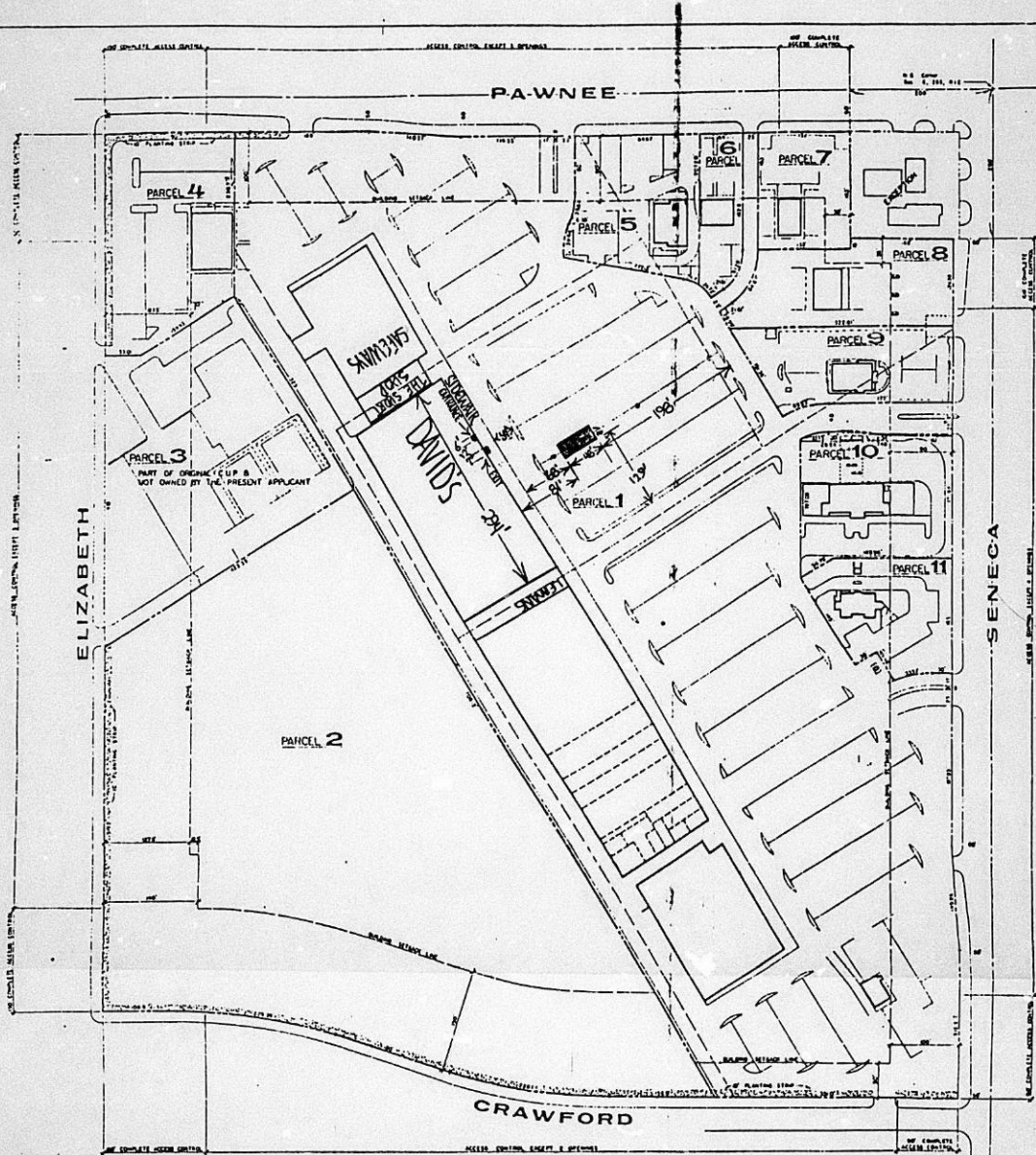
By

*Artis D. Simmons*

Vice President

Order No: 330738

nb



**WESTWAY SHOPPING CENTER - COMMUNITY UNIT PLAN**

OWNER / DEVELOPER • PHIL RUFFIN

AMENDED

4-23-51



446-50

	PROJECT	DATE FILED	APPROVED	REVISIONS
	WESTWAY SHOPPING CENTER	COMMUNITY UNIT PLAN	DEC 15, 1978	

#171  
Westway

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29-21

PAYMENT NOTICE  
City of Wichita

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

Planning

DESCRIPTION	AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY