

Case No. BZA 15-84 - 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
& generally located on the northwest

POSTED 5-9-84
Shot 5-22
Recorded ✓

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

ACTION

BZA 15-84 ~~APPROVED~~ 3-27-84
DATE

POSTED 5-9-84
Shot 5-22
Recorded ✓

Case No. BZA 15-84 - 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 "C" Light Commercial District
& generally located on the northwest.

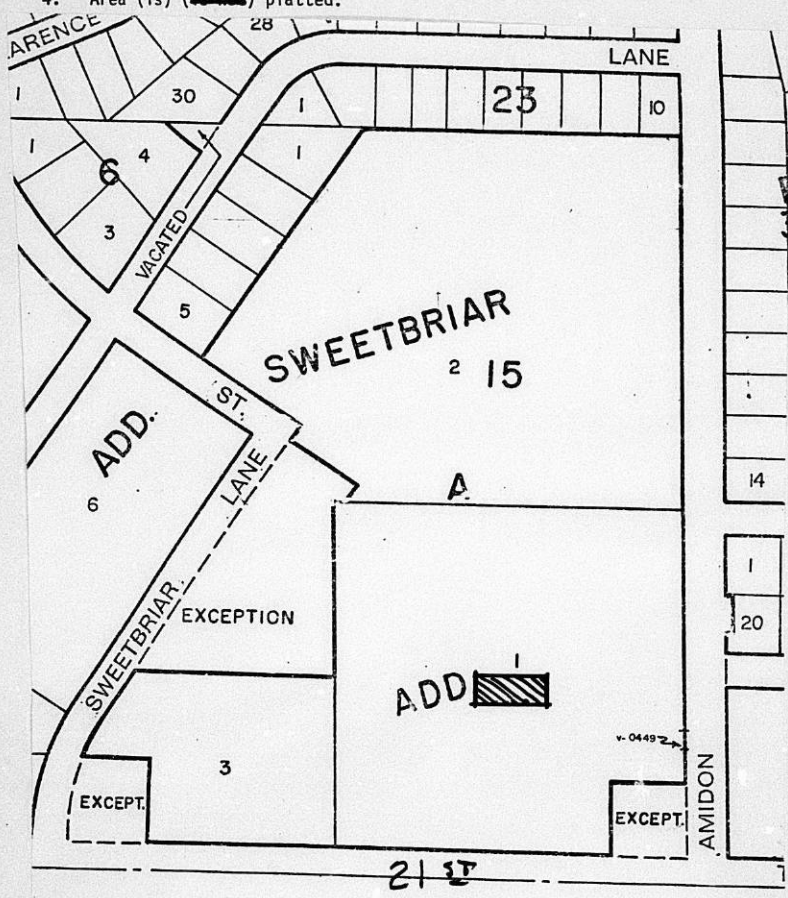
5350 C

Map No. 5350

BZA 15-84
Filed

AREA DATA:

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




 No. 2153C
 WESTINGHOUSE TOOL
 LOS ANGELES CHINA CO. OGDEN, OH
 MORGENTHAU, TX-100 JUST GROVE, GA
 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

GEL:sad
Encl.

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

RESOLUTION NO. BZA 15-84

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 within Parcel 1 of Sweetbriar Shopping Center located in C.U.P.-D.P.#7, and developed on Lot 1, Sweetbriar Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Amidon and 21st Street (2263 Amidon).

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.

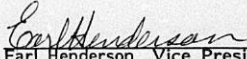
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a part time nursery and garden center outside of an enclosed building on property zoned the "LC" Light Commercial District legally described as follows:

An area within Parcel 1 of Sweetbriar Shopping Center located in C.U.P.-D.P.#7, and developed on Lot 1, Sweetbriar Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Amidon and 21st Street (2263 Amidon).


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 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.

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


Earl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

RECEIVED

MAR 26 1984

METROPOLITAN PLANNING

ROUTE 6C

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE March 26, 1984


TO Glen Lytle, Special Assistant for Zoning
FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 15-84: Northwest corner
of Amidon and 21st Street
(2263 Amidon)

On Wednesday, March 21st, CPO Neighborhood Council "M" considered the captioned case, a request for a zoning exception to permit the establishment of a part time nursery and garden center outside an enclosed building on property zoned "LC" Light Commercial District. After discussion, the Council voted 5-0 to recommend approval of the requested exception.

Neither the applicant or agent were present. No area residents or property owners were in attendance. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 15-84 is considered Tuesday, March 27th.


Stanley J. Scott
CP Coordinator

SJS:sm

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 15-84

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 within Parcel 1 of Sweetbriar Shopping Center located in C.U.P.-D.P.#7, and developed on Lot 1, Sweetbriar Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Amidon and 21st Street (2263 Amidon).

This application has been assigned Case BZA 15-84. 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

SECRETARY'S REPORT
CASE NO. BZA 15-84

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 northwest corner of Amidon and 21st Street
(2263 Amidon).

ZONING: Subject property is zoned "LC" Light Commercial
District. All adjacent properties are zoned "LC"
Light Commercial.

LAND USE: Subject property is developed as a shopping center.
Surrounding properties are all 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 installed 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 materials 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. 15-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>6</u>	TOTAL NOTICES SENT <u>3-7-84</u>

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 15-84

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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 within Parcel 1 of Sweetbriar Shopping Center located in C.U.P.-D.P.#7, and developed on Lot 1, Sweetbriar Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Amidon and 21st Street (2263 Amidon).

This application has been assigned Case BZA 15-84. 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. 15-84

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 Tessee
 (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 2263 Amidon, Wichita, Kansas (Sweetbriar Shopping Center)
 and legally described as: SEE ATTACHED LEGAL DESCRIPTION

 _____ *see above* _____
 _____, in the City of Wichita.

use wording from legal adv.

- 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 (~~2~~ p.m.), FEB 27, 1984, together with
appropriate fee of 200.00.

Signed _____

[Handwritten signature]

EXHIBIT "A"

LEGAL DESCRIPTION

All of Lot 2, and that part of Lot 1, Block A, Sweetbriar Addition and Raplat of Part of Benjamin Hills Second Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the Northeast corner of said Lot 1; thence West 616 feet to the Northwest corner of said Lot 1; thence South 461.8 feet to a point on the West line and 150 feet North of the Southwest corner of said Lot 1; thence East parallel with the South line of said Lot 1, 371 feet; thence North parallel with the East line of said Lot 1, 50 feet; thence East parallel with the South line of said Lot 1, 45 feet; thence North parallel with the East line of said Lot 1, 189.07 feet, more or less; thence East at right angles, 114.87 feet, more or less, to a point 85 feet West of the East line of said Lot 1; thence Southeasterly to a point, said point being 242.23 feet South of the Northeast corner of Lot 1 and on the East line of said Lot 1; thence North on the East line of said Lot 1, 242.23 feet to the place of beginning.

Also: The South 180 feet of the East 170 feet of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 6, Township 27 South, Range 1 East of the Sixth Principal Meridian, 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,

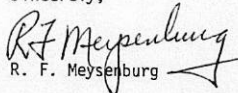
Attached is our application for an exception as provided in Section 2.12.590.C. Code of the City of Wichita, Kansas.

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

RFM/r1

attachments

OWNERSHIP LIST

Property Description

Property Owner

Lots 1 & 2, Block A,
Sweetbriar Addition

✓ E.A. McLean
2359 McLean Blvd. 67204

Part of Block 16, Benjamin
Hills 2nd Addition, and Part
of Lot 3, Block A, Sweetbriar
Addn. and Replat of Part of
Benjamin Hills 2nd Addn, described
as follows: Beginning at the S.W.
corner of said Block 16; thence East along
the South line of said Block 16, 150
feet; thence North at right angles 184
feet; thence West parallel with the
South line of said Block 16, to the
West line of said Lot 3; thence South-
westerly along the West line of said Lot
3 and said Block 16 to beginning

✓ Reiss & Goodness, Inc.
2160 W. 21st Street 67203
AND
Rage ~~X~~ a partnership
Address Unknown

That part of Lot 3, Block A, Sweet-
briar Addition and Replat of Part of
Benjamin Hills 2nd Addition described
as: Beginning at the N.W. Corner of
said Lot 3; thence East along the North
line of said Lot 3, 346.76 feet to the
N.E. corner of said Lot 3; thence South
along the East line of said Lot 3, 300
feet to the S.E. corner of Lot 3; thence
West along the South line of said Lot 3,
325.2 feet to the S.W. corner of said
Lot 3; thence North to a point which is
116 feet South of the North line of
said Lot 3; thence West to the East line
of Sweetbriar Lane; thence Northeasterly
along the East line of Sweetbriar Lane to
the place of beginning

✓ Don S. Peters
285 S. Dellrose 67218
AND
Walter W. Jones
4807 E. Waterman 67218

PAGE 2

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described:

Lots 1, 2 & 3, Block A, Sweetbriar Addition
and Replat of Part of Benjamin Hills Second
Addition, Wichita, Sedwgick 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
23rd day of February, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By *Curtis O. Simmons*
Vice President

Order No: 330734
nb

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-1

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
-------------	--------

NAME

ADDRESS

FUND	DUE DATE
------	----------

COMMENTS

DATE	BY
------	----

*

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

Roll # 2