

Case No. BZA 16-84 - 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
R.G.L.

ACTION

BZA 16-84 APPROVED 3-27-84
DATE

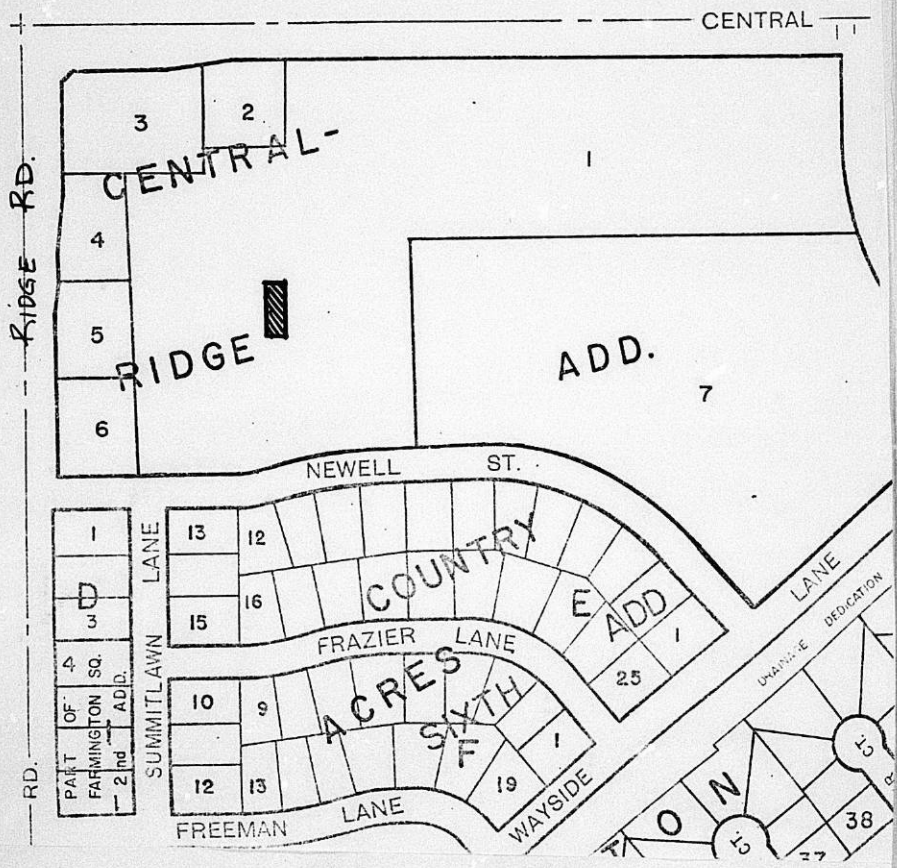
POSTED 5-9-84
SMOT 5-22-84
RECEIVED ✓

Map No. 5047

BZA 16-84
Filed _____

AREA DATA:

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



1	LANE
D	
4	SUMMITLAWN
PART OF FARMINGTON SQ. ADID.	
2 Ind.	

S
Hastings, MN
No. 2153C
LOS ANGELES, CHICAGO, LOGAN, OH
MCGREGOR, TX, LOCUST 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 16-84

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 2 of Central-Ridge Shopping Center (Crossroads) located in C.U.P.-D.P.#39, and developed on Lot 7 of Central-Ridge Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Ridge (7011 West Central).

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.

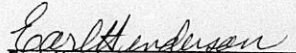
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a part time nursery and garden center outside of an enclosed building on property zoned the "LC" Light Commercial District legally described as follows:

An area within Parcel 2 of Central-Ridge Shopping Center (Crossroads) located in C.U.P.-D.P.#39, and developed on Lot 7 of Central-Ridge Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Ridge (7011 West Central).


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

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

March 22, 1984

TO Glen Lytle, Special Assistant for Zoning
FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 16-84 Generally located on
the Southeast corner of Central
and Ridge Road (7011 W. Central)

CPO Neighborhood Council "A" considered the captioned case at its March 22 meeting and voted 4-2 to recommend approval of the request for exception subject to the conditions in the staff comments.

No one was present representing the applicant and no area residents were present to speak about the case.

Please present the Council's recommendation to the Board of Zoning Appeals when it considers the case on March 27.

Cindy Entriiken
Cindy Entriiken
Administrative Aide III

CE:sm

SECRETARY'S REPORT
CASE NO. BZA 16-84

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: Within the shopping center located on the south-
east corner of Ridge Road & Central (7011 W. Central).

ZONING: Subject property is zoned "LC" Light Commercial
District as are most adjacent properties. To the
south is "AA" One-family Dwelling District.

LAND USE: Subject property is developed as a shopping center.
Adjacent properties are also commercial with the
exception of the properties to the south are one-
family Dwellings.

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. 16-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>2</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>4</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 16-84

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 the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

An area within Parcel 2 of Central-Ridge Shopping Center (Crossroads) located in C.U.P.-D.P.#39, and developed on Lot 7 of Central-Ridge Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Ridge (7011 West Central).

This application has been assigned Case BZA 16-84. 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. 16-84

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,

*See zoning
form sheet also*

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 7011 West Central, Wichita, Kansas (Cross Roads Shopping Center)
 and legally described as: SEE ATTACHED LEGAL DESCRIPTION

no adm.

_____ , in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction 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, appropriate fee of 1:30 (~~1:30~~ p.m.), FEB 27, 1984, together with 200

Signed _____

[Handwritten Signature]

EXHIBIT "A"

Legal Description

A tract of land in Lot 1, Block 1, Central-Ridge Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at a point in the north line of said Lot 1 and 45 feet east of the Northeast Corner of Lot 2, in said Block 1; thence bearing N 89°56'45" E along the north line of said Lot 1 a distance of 539.07 feet; thence bearing S 0°03'15" E a distance of 315 feet to a point in the south line of said Lot 1 said line also being the north line of Lot 7 in said Block 1; thence bearing S 89°56'45" W along said common line a distance of 360.75 feet; thence bearing N 0°03'15" W a distance of 30 feet; thence bearing S 89°56'45" W a distance of 178.32 feet; thence bearing N 0°03'15" W a distance of 285 feet to the point of beginning.



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 & 6, Block 1, Central Ridge Addition	✓ Phillip G. Ruffin 8450 Killarney Place 67206
Lot 5, Block 1, Central Ridge Addition	✓ Robert R. Sweatt 7213 Rockhill Lane 67206
Lot 7, Block 1, Central Ridge Addition	✓ Young Men's Christian Association of Wichita, Kansas, Inc. 402 N. Market 67202

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

Lots 1, 2, 3, 4, 5, 6 & 7, Block 1, Central Ridge
Addition to Wichita, 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 23rd
day of February, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Curtis A. Simmons
Vice President

Order no: 330721

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.
Pibg	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