

ACTION

B.Z.A. 56-84 Withdrawn 8-20-84

DATE

by applicant

Case No. BZA 56-84 - William L. Oliver, Jr., - requests an exception to permit the establishment of residential storage warehouses on property zoned the "LC" Light Commercial District and generally located on

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE August 20, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 56-84 Northwest corner of
 Oliver and Valley Forge Road

On Thursday, August 15, CPO Neighborhood Council Area "L" considered the captioned case, a request for a zoning exception to permit the establishment of residential storage warehouses on property zoned "LC" Light Commercial District. After discussion, the Council voted 5-0 to recommend approval of the requested zone change subject to staff recommendations.

Neither the applicant, William L. Oliver, Jr., nor the agent were present to discuss the request with the Council. No area residents or property owners were present. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

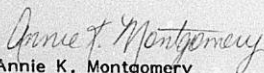
Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 56-84 is considered on Tuesday, August 28.



Stanley J. Scott
CP Coordinator

SJS:dm

Noted:


Annie K. Montgomery
CRS Director

RECEIVED

AUG 22 1984

METROPOLITAN PLANNING

ROUTE

RE: AGENDA ITEM NO. 9

SECRETARY'S REPORT
CASE NO. BZA 56-84

APPLICANT: William L. Oliver, Jr., 320 Page Court, Wichita, Kansas.

AGENT: Phil Snodgrass, 6416 East Central, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.5 Code of the City of Wichita to permit the construction of Residential Storage Warehouses in the "LC" Light Commercial District.

GENERAL LOCATION: On the east side of Oliver between Bunker Hill Drive and Valley Forge Road.

ZONING: Subject property is zoned the "LC" Light Commercial District. Property to the east and north is the "B" Multiple-family Dwelling District. To the west is "AA" One-family Dwelling District and to the south is "RB" Four-family Dwelling District.

LAND USE: Subject property is vacant as are the properties to the north and east. To the south are apartments and to the west is park property.

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 in order to construct Residential Storage Warehouses in the "LC" Light Commercial District. The property is slightly over 2 acres in size which meets the minimum requirement set forth in the zoning ordinance. The property is adjacent to residential zoning on all sides, therefore the design of the facility must be compatible to the residential development and approved by the Superintendent of Central Inspection. The 15' setback adjacent to any residential district shall be maintained as a landscaped yard.

This property has been undeveloped for a number of years even though it has been zoned "LC" Light Commercial for approximately 25 years. Part of the application area is presently a pond that no doubt has attributed to the development of this property. The site plan submitted with the application does not accurately show the location of the pond. Prior to the release of the resolution authorizing any construction, the applicant should submit a drainage plan to the City Engineer for approval.

RECOMMENDATION:

Should the Board determine that the 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, the applicant shall submit a site grading plan to the City Engineer for approval which will permit the installation of the 15' landscaped yard along the east property line as required by ordinance. Should this require amendments to the development plan, this shall also be submitted for approval.

2. A 15' landscaped yard shall be provided adjacent to all property lines.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the east and north property line wherever the buildings do not provide the 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 25' setback from any property line.
6. Off-street parking shall be provided by ordinance on the basis of the total 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 uses 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. On-site ground or pole signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted adjacent to Oliver. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way. No off-site signs shall be permitted.
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 one point of ingress/egress shall be permitted to/from subject project and that access being from Oliver. The access to Valley Forge Road shall be locked and used by the Fire Department in emergencies only.
18. All areas not paved as required by condition of approval #7 shall be landscaped with deciduous and coniferous plant materials. Provisions shall be made for watering and maintaining the landscaping in good condition.

19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.
 20. The release of the resolution shall null and void Resolution BZA 28-72.
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BZA CASE NO. 56-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>3</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>6</u>	TOTAL NOTICES SENT <u>8-7-84</u>

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

August 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 56-84

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 William L. Oliver Jr., 320 Page Court, Wichita, 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 residential storage warehouses on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 2, replat of Blocks I and J of Washington Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Oliver and Valley Forge Road (2900 South Oliver).

This application has been assigned Case BZA 56-84. It will be considered by the Board of Zoning Appeals on August 28, 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

STATEMENT OF JUSTIFICATION

The property under which this exception is requested is currently zoned LC. It is located on South Oliver in the area where the street lanes change directions depending on the time of day and the direction of Boeing traffic.

The property has set undeveloped and we are unable to find a commercial buyer due to the difficulty of access. The traffic counts justify commercial use, however, the traffic is so heavy at peak times that access to the property is difficult and no one is willing to invest in commercial uses.

We have found a buyer that wishes to construct a residential storage warehouse project since they feel the access to their use would normally be at non-peak hours.

Provision 28.04.183-5 (5.1-5.19) of City of Wichita Zoning Ordinance, Board of Zoning Appeals is believed to have jurisdiction over this request.

O W N E R S H I P L I S T

Property Description

Property Owner

Lot 2, Block 1, Replat of Blocks
I & J, Washington Heights Addition

D William L. Oliver, Jr.
8 Lakeside Blvd.
67207

All Units & Buildings, & common
area, Wichita Manor, a condominium,
being lots 1, 3 & 4, Block 1,
Replat of Blocks I & J Washington
Heights Addition.

Mid Kansas Federal
Savings & Loan Association
230 S. Market
67202

Lots 1, 2, 3 & 4, Dody Cole 5th
Addition

Evergreen Inv. Co.
4819 New Jersey
67210

Beginning at a point described from
the southwest corner of said SE $\frac{1}{4}$
2-28-1E 993.55 feet east along
the south line of said SE $\frac{1}{4}$;
thence northeasterly along the
Centerline Survey of the
Kansas Turnpike, making an angle of
64° 25' 30" with said South line
a distance of 1837.88 feet; thence
along a circular curve to the
right with a radius of 4583.66
feet a distance of 221.44 feet;
thence southeasterly along a line
at right angles to said curve a
distance of 150 feet to a point
of beginning; thence northeasterly
along a curve to the right concentric
with the centerline of the Turnpike
with a radius of 4433.66 feet a
distance of 190.55 feet; thence
southeasterly along a line making an
exterior angle of 277°44' with the
tangent of the curve a distance
of 353 feet; thence southeast with
an exterior angle of 185°29' a distance
of 291.69 feet; thence southwest
with an exterior angle of 315°40'40"
a distance of 153 feet; thence northwest
with an exterior angle of 220°34'20"
a distance of 155 feet; thence northwest
with an exterior angle of 166°46' a
distance of 346 feet more or less to
the point of beginning.

back Board of Park Commissioners
455 N. Main
67202

Property Description

Property Owner

All Section 2-28-1E, lying south & west of the southerly right of way of George Washington Blvd., except Plainview Sub. #1 & Plainview Sub. #2, & school property, & except part deeded to Kansas Turnpike Authority, & except tract last described.

D
City of Wichita
455 N. Main
67202

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of:

Lot 2, Block 1, Replat of Blocks I & J,
Washington Heights Addition, Wichita
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 25th day of July, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Sr. Vice President

Order No: 337081
cf

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2-21 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
1562A	21
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

*

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

Roll # 2