WICHITA — SEDGWICK COUNTY

FILE COPY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

April 27, 1999

Mr. Milt Fowler
Parallax Program Inc.
3410 East Funston
Wichita, KS 67218

RE: Reduction of off-street parking requirements from 61 spaces to 23 spaces. On property generally located at the Northeast corner of Funston and George Washington Blvd.

Dear Mr. Fowler:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 27, 1999. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely,

Dale Miller
Secretary
Board of Zoning Appeals

DM/rs

cc: Glaves, Irby, and Rhoads, 600 Board of Trade Center, 120 South Market, Wichita, KS 67202
J.R. Cox, OCI
Paul Hayes, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)
File

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BZA RESOLUTION NO. 9-99

WHEREAS, Wichita Enterprises and Parallax Program Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the off-street parking requirements from 61 spaces to 23 spaces on property zoned "LC" Limited Commercial and legally described as follows:

> Reserve "A" and the 20 foot vacated alley adjacent on the North and the Westerly half of the 20 foot vacated alley adjacent on the East, all in Block 1, Krack's Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the Northeast corner of Funston and George Washington Blvd.

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 27, 1999, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owners or the applicant. It is the opinion of staff that this property is unique inasmuch as the building located on this site is an old nursing home that is being retrofitted to serve as a drug and alcohol rehabilitation facility that serves clients which are mostly (90% according to the applicant) homeless, jobless and car-less.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the applicant indicates that the average number of cars parked at the facilities at any one time is approximately 30. The applicant can provide 23 spaces on-site, leaving approximately seven cars to park on the street. The site is served by George Washington Drive, a frontage road that essentially dead-ends in front of the facility. There is room for most of the seven cars to park on George Washington Drive, minimizing any on-street parking along Funston. Parking could be restricted along Funston if necessary. The Traffic Engineer could monitor this situation.

FILE COPY

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the site is being converted from a nursing home to a drug and alcohol treatment center. The only space available for installing additional off-street parking would be to tear up the open space located between two wings of the building. This area is the only grassed area on the site. The only access to this area of the site would require an additional curb cut along Funston. Lights from vehicles using this lot would shine on the residences located south of the site, which may be more objectionable than on-street parking.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the facility operated as a nursing home for many years with the same square footage and the same number of parking spaces. The current use is similar to the nursing home in that most of the clients do not own a vehicle, therefore parking demand should be similar. Also, this facility has a dead-end frontage road adjacent to the site that has unrestricted parking where overflow parking could park without impacting Funston.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as Parallax has been at this location for some time, and is using a facility that might otherwise sit vacant. Drug and alcohol rehabilitation services are necessary community services, and inasmuch as the majority of this facility's clients do not own or drive cars.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the off-street parkinrequirementsts from 61 spaces to 23 spaces on property zoned "LC" Limited Commercial and legally described as follows:

Reserve "A" and the 20 foot vacated alley adjacent on the North and the Westerly half of the 20 foot vacated alley adjacent on the East, all in Block 1, Krack's Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the Northeast corner of Funston on and George Washington Blvd.

subject to the following conditions:

1. All parking spaces, as shown on the site plan submitted with this application, shall be paved, striped and available for use within three months of the date of approval of this variance.

2. No more than 6 persons at any one time who reside in this facility may be permitted to operate vehicles that are parked on the site or in the general vicinity of the site.

3. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1999.

C. Bickley Foster

C. Bickley Foster, President

ATTEST:

Dale Miller

Dale Miller, Secretary

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BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
April 27, 1999

SECRETARY'S REPORT

CASE NUMBER: BZA 9-99

OWNER/APPLICANT: Wichita Enterprises (Norman Durmaskin, general partner and owner); Parallax Program Inc (Milton Fowler, lessee, program operator and applicant)

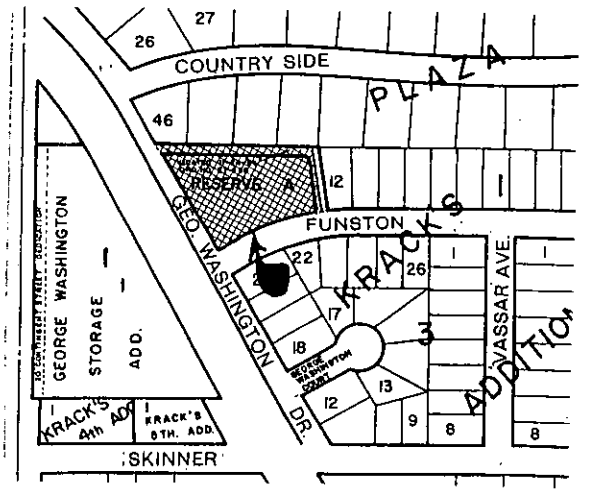
AGENT: Milton Fowler, Parallax Program Inc.

REQUEST: Reduction of off-street parking requirements from 61 spaces to 23 spaces

CURRENT ZONING: "LC", Limited Commercial

SITE SIZE: 22,401 square feet

LOCATION: Northeast corner of Funston and George Washington Blvd.



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant is requesting a reduction in the number of required off-street parking spaces they must provide at their alcohol and drug treatment facility located at the northeast corner of Funston and George Washington Drive. The facility has 64 beds. Code requires the applicant to provide 65 spaces. The applicant's site plan indicates they can provide 23 spaces. In the applicant's justification letter, he indicates that the average number of cars at the facility at any one time is 30. Most (95%) of the center's clients are homeless and unemployed and do not own vehicles.

This site was originally developed as a nursing home. Two separate off-street parking areas exist, one on the Funston Street side with 14 spaces and 9 spaces on the George Washington Drive side. On-street parking is permitted on both Funston and George Washington Drive. The way the site is currently developed, there are limited opportunities to provide additional off-street parking. All the land adjoining the site is developed. The one opportunity for additional parking would be to install parking between the two south wings of the building. Approximately 12 additional spaces could be added, but a new access point to Funston would be needed. That access point would point directly at residences across the street. Lights shining on the homes may be more of a nuisance than on-street parking. The facility has little landscaping.

Adjoining land uses include single-family residences located to the north, east and south. They are zoned "TF-3", Two-family Residence. Self-storage units, zoned "GC",General Commercial, are located to the west of George Washington Blvd. A retail strip center, zoned "LC", Limited Commercial, is located to the north, west of the single-family homes.

The applicant has filed a companion case, CU-517, seeking approval for a "correctional placement residence." This case will be heard by the MAPC on April 15, 1999.

ADJACENT ZONING AND LAND USE:

NORTH	"TF-3," Two-family Residential and "LC", Limited Commercial; single-family residences and small retail strip center
SOUTH	"TF-3", Two-family Residential; single-family residence
EAST	"TF-3", Two-family Residential; single-family residence
WEST	"GC", General Commercial; self-storage warehouse

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the building located on this site is an old nursing home that is being retrofitted to serve as a drug and alcohol rehabilitation facility that serves clients which are mostly (90% according to the applicant) homeless, jobless and car-less.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the applicant indicates that the average number of cars parked at the facilities at any one time is approximately 30. The applicant can provide 23 spaces on-site, leaving approximately seven cars to park on the street. The site is served by George Washington Drive, a frontage road that essentially dead-ends in front of the facility. There is room for most of the seven cars to park on George Washington Drive, minimizing any on-street parking along Funston. Parking could be restricted along Funston if necessary. The Traffic Engineer could monitor this situation.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the site is being converted from a nursing home to a drug and alcohol treatment center. The only space available for installing additional off-street parking would be to tear up the open space located between two wings of the building. This area is the only grassed area on the site. The only access to this area of the site would require an additional curb cut along Funston. Lights from vehicles using this lot would shine on the residences located south of the site, which may be more objectionable than on-street parking.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the facility operated as a nursing home for many years with the same square footage and the same number of parking spaces. The current use is similar to the nursing home in that most of the clients do not own a vehicle, therefore parking demand should be similar. Also, this facility has a dead-end frontage road adjacent to the site that has unrestricted parking where overflow parking could park without impacting Funston.

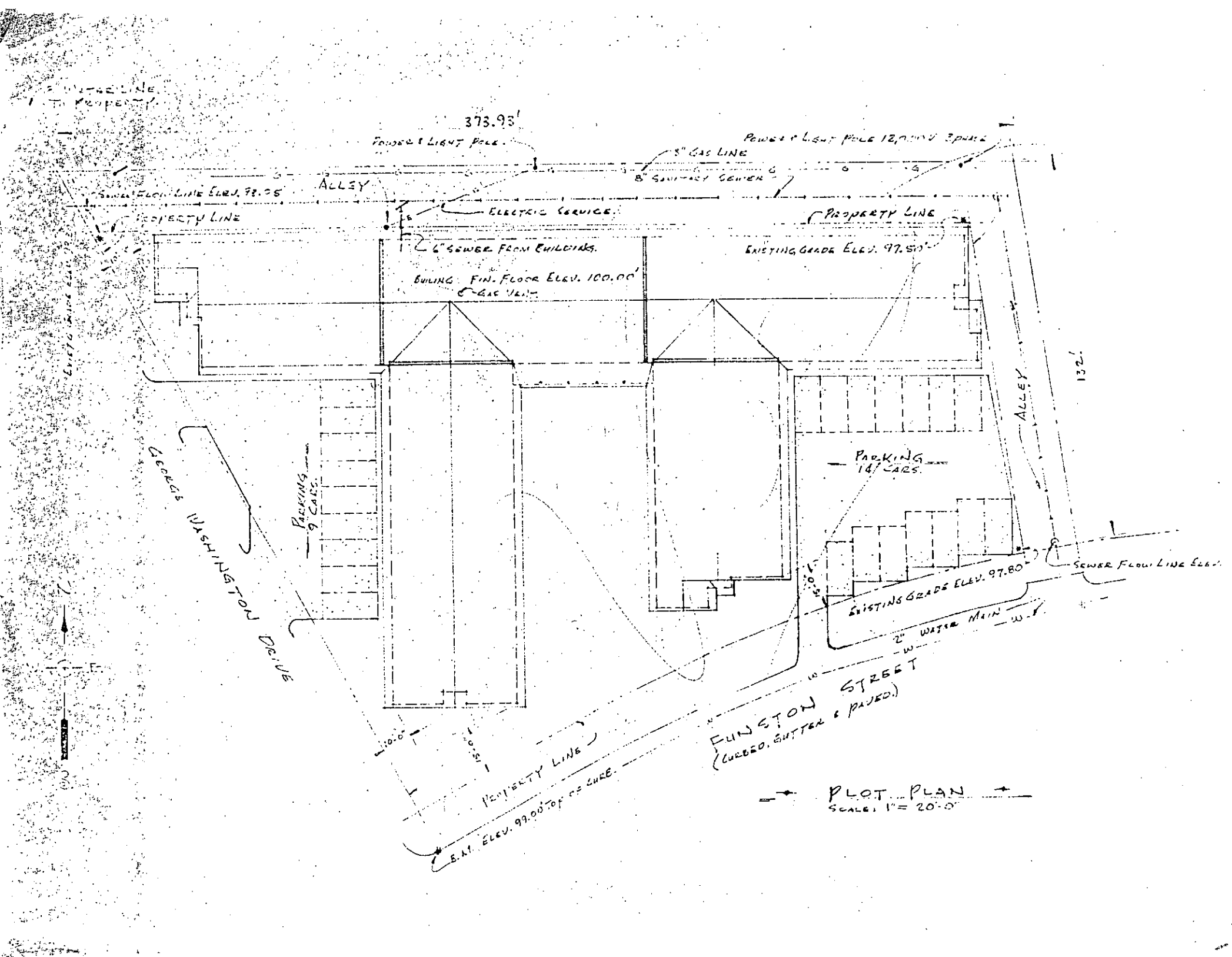
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as Parallax has been at this location for some time, and is using a facility that might otherwise sit vacant. Drug and alcohol rehabilitation services are necessary community services, and inasmuch as the majority of this facility's clients do not own or drive cars.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. All parking spaces, as shown on the site plan submitted with this application, shall be paved, striped and available for use within three months of the date of approval of this variance.

2. No more than 6 persons at any one time who reside in this facility may be permitted to operate vehicles that are parked on the site or in the general vicinity of the site.

3. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.


373.93'
Power & Light Pole.
8" Gas Line
8" Sanitary Sewer
Power & Light Pole 12,000 V 3 Phase
Alley
Sewer Flow Line Elev. 98.25
Property Line
Electric Service.
6" Sewer From Buildings.
Existing Grade Elev. 97.50'
Building Fin. Floor Elev. 100.00'
6" Gas Vent
Alley
132'
Parking 14 Cars.
Parking 9 Cars.
George Washington Drive
Existing Grade Elev. 97.80'
2" Water Main W.
Sewer Flow Line Elev.
Funston Street
(Curbed, Gutter & Paved.)
Property Line
E.M. Elev. 99.00' Top of Curb.
Plot Plan
Scale: 1" = 20'-0"