WICHITA — SEDGWICK COUNTY

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

FILE COPY

March 9, 1999

Inntel Corporation of America
2280 N Tara
Wichita KS 67226

RE: BZA 1-99 - Appeal of Zoning Administrator's decision that the proposed trash facilities at the north end of Parcel 6A of Tallgrass Office Park are entirely enclosed within a building as required by the condition of DP-92; and also an appeal of the Zoning Administrator's decision regarding the location of the trash facilities.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on February 23, 1999. This resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Keith Gooch

Keith Gooch
Assistant Secretary
Board of Zoning Appeals

KG/rs

Enclosure

cc: Fleeson, Gooing, Coulson and Kitch, LLC, %Steve Stark, 125 N Market, Ste. 1600, Wichita KS 67202
J.R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)
File

BZA RESOLUTION NO. 1-99

WHEREAS, Inntel Corporation of American, pursuant to Section 2.12.590 (A) of the Code of the City of Wichita, appeals the interpretation and decision of the Zoning Administrator that the trash receptacle on Parcel 6A of CUP DP-92 is entirely enclosed within a building as required by CUP DP-92.

WHEREAS, property notice as required by the ordinances of the City of Wichita 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 February 23, 1999 consider such appeal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that having considered the entire record regarding this matter and having heard the evidence as presented to the Board, the Board makes the following findings:

1. That the Board of Zoning Appeals has jurisdiction to hear this appeal, pursuant to K.S.A. 12-759 (d) and Section 2.12.590 of the City of Wichita; and

2. That the Board of Zoning Appeals, pursuant to Article VI-E (2) of the Wichita Sedgwick County Zoning Code has the authority to reverse, affirm or modify the interpretation of the Zoning Administrator.

3. That the Board makes the following findings of fact as presented in the record:

    a) That the Zoning Administrator, pursuant to Article V, Section E(15) of the Wichita Sedgwick County Zoning Code had the authority to make the interpretation of the CUP issued on December 7, 1998.

    b) That the structure outlined by the plans for a building permit constitutes a "building" as that term is defined by the Uniform Building Code and the Wichita Sedgwick County Zoning Code.

    c) That the language of the CUP which mandates that trash collection will be "entirely enclosed within a building" is complied with, so long as the existing structure contains an overhead or rolling door which fully encloses the northern portion of the structure, similar to the one endorsed in Phase One of the development.

4. The Board finds that the interpretation of the Zoning Administrator, as modified by the Board's findings of facts set forth above, is supported by the evidence presented at this hearing.

5. The Board further finds that the Appellant has not met his burden of proof to show that the interpretation was in error.

THEREFORE, BASED ON THE FOREGOING, THE INTERPRETATION OF THE ZONING ADMINISTRATOR IS AFFIRMED, AS MODIFIED BY THE BOARD BY ITS FINDINGS OF FACT SET FORTH IN THE RECORD.

ADOPTED AT WICHITA, SEDGWICK COUNTY, KANSAS, THIS 2ND DAY OF MARCH, 1999.

C. Bickley Foster

C. Bickley Foster, President
Board of Zoning Appeals

ATTEST:

Keith Gooch

Keith Gooch, Assistant Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
February 23, 1999

SECRETARY'S REPORT

CASE NUMBER: BZA 1-99

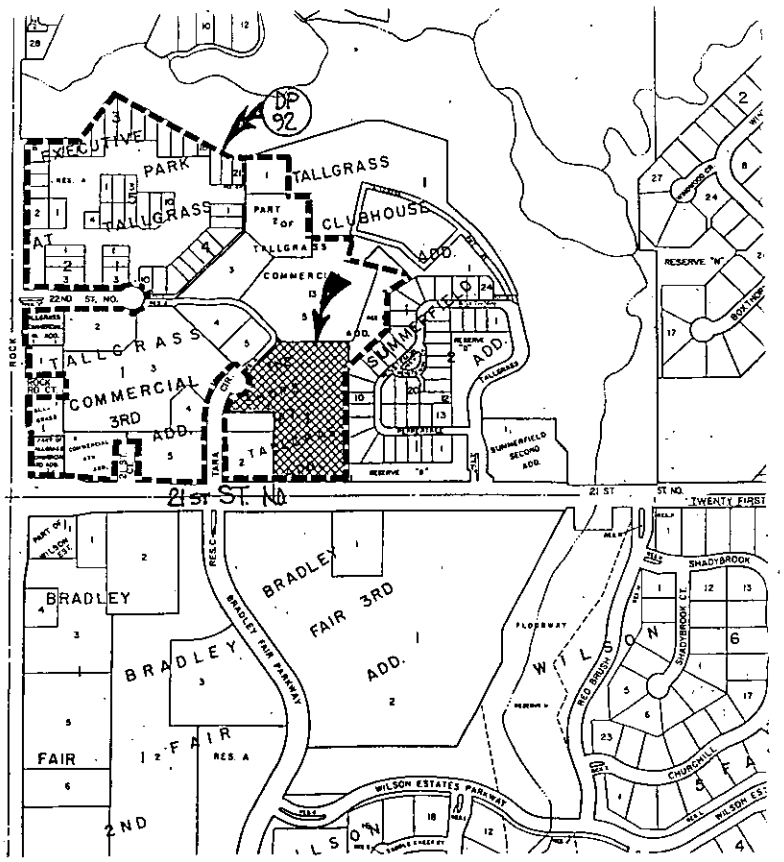
OWNER/APPLICANT: Intel Corporation of America, 2280 N. Tara, Wichita, KS 67226 (Owner)

AGENT: Steve Stark, Fleeson, Gooing, Coulson and Kitch, LLC, 125 N. Market, Suite 1600, Wichita, KS, 67202 (Agent)

REQUEST: Appeal of Zoning Administrator's decision that the proposed trash facilities at the north end of Parcel 6A of Tallgrass Office Park are entirely enclosed within a building as required by the conditions of DP-92; and also an appeal of the Zoning Administrator's decision regarding the location of the trash facilities.

CURRENT ZONING: "NR" Neighborhood Retail

LOCATION: North end of Parcel 6A, Tallgrass Office Park CUP (DP-92) North of 21st Street North and east of Tara



BACKGROUND: The applicant is appealing the decision of the Zoning Administrator that the proposed trash facilities at the north end of Parcel 6A of Tallgrass Office Park are entirely enclosed within a building as required by the conditions of DP-92; and also an appeal of the Zoning Administrator's decision regarding the location of the trash facilities. Copies of the Zoning Administrator's letter and the documentation from the applicant are attached.