



Wichita-Sedgwick County Metropolitan Area Planning Department

December 21, 2000

Daniel J. Phillipi
Cheryl R. Phillipi
1517 N. Santa Fe
Wichita, KS 67214

FILE COPY

RE: BZA 2000-00063 – A variance to reduce off-street parking requirements from 90 spaces to 27 spaces. Generally located at the northwest corner of 14th Street North and Santa Fe (1517 N. Santa Fe).

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 19, 2000, 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.

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

Sincerely,

Scott Knebel
Assistant BZA Secretary

SK/rs

cc: APEX Engineering Inc., %Steve Dwerlkotte, 1234 Wellington Place, Wichita, KS 67203
City Council Member District VI, Joan B. Cole, Mail Stop 1-13
D.A.B. VI, Terri Dozal, Mail Stop 1-135
Kurt Schroeder, OCI 1-72
J.R. Cox, OCI, 1-72
Paul Hays, OCI 1-72
Randy Sparkman, OCI 1-72

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WHEREAS, Daniel J. & Cheryl R. Phillipi (Owner), Apex Engineering c/o Steve Dwerlkotte (Contract Purchaser/Applicant), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce off-street parking requirements from 90 spaces to 27 spaces on property zoned "LI" Limited Industrial legally described as follows:

Lots 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73 and 75, on Fifth Avenue, now Santa Fe Avenue, in North Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northwest corner of 14th Street North and Santa Fe (1517 N. Santa Fe).

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 December 19, 2000, 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 site is presently developed with a steel fabrication facility that can be quickly modified and expanded to meet the applicant's manufacturing needs. It is the opinion of staff that this property also is unique inasmuch as it is located within ½ mile from the applicant's facility at 1234 N. Wellington. For manufacturing efficiencies, the applicant indicates that the location of the business expansion must be a short distance from the applicant's existing operations, which significantly limits the number of available locations.

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 property is presently used for manufacturing purposes and provides a fewer parking spaces than would be required by granting the variance with no apparent adverse impacts on adjacent properties.

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 number of available properties that are located nearby their existing operations and can be quickly modified and expanded to meet their manufacturing needs is very limited. Strict application of the code would result in the property not being developed with the manufacturing use, which would likely result in a lost opportunity to add manufacturing jobs to the community.

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 property is presently used for manufacturing purposes and provides a fewer parking spaces than would be required by granting the variance with no apparent adverse impacts on the public interest.

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 the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if property proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The proposed manufacturing use utilizes more building space for equipment than the typical manufacturing use; therefore, more square feet of building space per employee is required than is assumed by the manufacturing parking requirements.

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 off-street parking requirements from 90 spaces to 27 spaces on property zoned "LI" Limited Industrial described as follows:

Lots 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73 and 75, on Fifth Avenue, now Santa Fe Avenue, in North Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northwest corner of 14th Street North and Santa Fe (1517 N. Santa Fe).

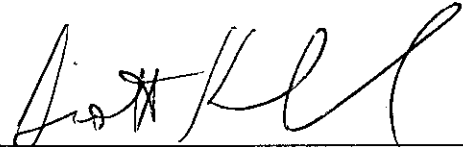
RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to reduce required off-street parking from 90 spaces to 27 spaces be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the site plan submitted with this application.
2. All parking areas shall be paved and marked.
3. The maximum number of employees permitted on-site shall not exceed 25 at any one time. If additional employees are required, additional parking spaces shall be provided.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 12th DAY OF December, 2000.


FLOYD PITTS
Floyd Pitts, BZA President

ATTEST:


Scott Knebel, BZA Assistant Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2000-00063

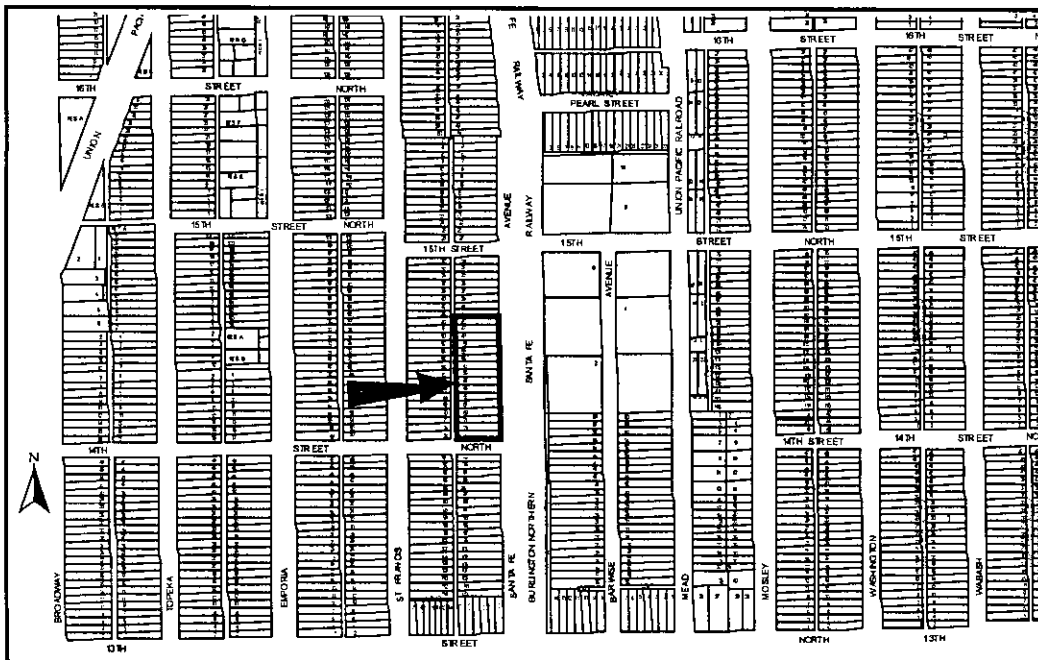
OWNER/APPLICANT: Daniel J. & Cheryl R. Phillipi (Owner); Apex Engineering
c/o Steve Dwerlkotte (Contract Purchaser/Applicant)

REQUEST: A variance to reduce off-street parking requirements from
90 spaces to 27 spaces

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 1.33 acres

LOCATION: Northwest corner of 14th Street North and Santa Fe
(1517 N. Santa Fe)



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 variance is to reduce code-required off-street parking from 90 spaces to 27 spaces. The variance is requested to allow for the expansion of an existing building for use as an aircraft parts manufacturing facility by Apex Engineering. The application area is located at the northwest corner of 14th Street North and Santa Fe (1517 N. Santa Fe).

The applicant indicates that Apex Engineering has been selected by Cessna as a subcontractor for a project that requires a business expansion beyond the capabilities at their existing facilities. The applicant also indicates that they have been given a short time period to expand their operations or they will lose the contract to a similar business located out of state, which will result in a lost opportunity to add manufacturing jobs to the community.

The applicant proposes to construct a 8,125 square foot addition to an existing building on the subject property (see attached site plan). The building addition will utilize land on the subject property that otherwise would be available for off-street parking. The applicant indicates 27 parking spaces will be sufficient since no more than 25 employees will be working at the facility at one time (see attached letter). The applicant also indicates that the granting of the variance will allow the applicant to improve the existing property and to add jobs in the midtown area. Without the variance, the applicant indicates that the proposed project on the subject property will have to be abandoned.

The "Unified Zoning Code" requires one parking space per 500 square feet of building area used for manufacturing. The existing building on the site contains 36,960 square feet, which requires 74 off-street parking spaces. The current facility provides approximately 20-25 off-street parking spaces and has land available to provide a total of approximately 55-60 off-street parking spaces. The proposed 8,125 square foot addition to the existing facility would require 16 additional parking spaces, for a total of 90 required off-street parking spaces. A variance is required to reduce the off-street parking requirement by more than 25% for manufacturing uses.

The properties to the north, south, and east of the subject property are zoned "LI" Limited Industrial and are used for both industrial and residential purposes. The properties west of the subject property are zoned "B" Multi-Family Residential and are developed with single-family residences.

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	Outdoor storage and single-family residences
SOUTH	"LI"	Outdoor storage and single-family residences
EAST	"LI"	Manufacturing and grain storage for Cargill
WEST	"B"	Single-family residences

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is presently developed with a steel fabrication facility that can be quickly modified and expanded to meet the applicant's manufacturing needs. It is the opinion of staff that this property also is unique inasmuch as it is located within ½ mile from the applicant's facility at 1234 N. Wellington. For manufacturing efficiencies, the applicant indicates that the location of the business expansion must be a short distance from the applicant's existing operations, which significantly limits the number of available locations.

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 property is presently used for manufacturing purposes and provides a fewer parking spaces than would be required by granting the variance with no apparent adverse impacts on adjacent properties.

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 number of available properties that are located nearby their existing operations and can be quickly modified and expanded to meet their manufacturing needs is very limited. Strict application of the code would result in the property not being developed with the manufacturing use, which would likely result in a lost opportunity to add manufacturing jobs to the community.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the property is presently used for manufacturing purposes and provides a fewer parking spaces than would be required by granting the variance with no apparent adverse impacts on the public interest.

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 the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if property proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The proposed manufacturing use utilizes more building space for equipment than the typical manufacturing use; therefore, more square feet of building space per employee is required than is assumed by the manufacturing parking requirements.

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 to reduce required off-street parking from 90 spaces to 27 spaces be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the site plan submitted with this application.
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4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

