CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 9, 2002

Argora Properties, LP
c/o Presidio Investments, Ltd.
2001 Bryan Tower, Ste. 200
Dallas, TX 75201

FILE COPY

Re: BZA2002-00025: **Administrative Adjustment to reduce the street side setback.**

Legal Description: A portion of Reserve in Schweiter's Eight Addition to Wichita, Sedgwick County, Kansas, described as commencing at the NE corner thereof; thence S90°00'00"W along the north line of said Reserve 349.99 feet; thence S00°05'17"E, 2.91 feet to the Point of Beginning; thence S00°05'17"E, 22.00 feet; thence S89°54'43"W, 40.00 feet; thence N00°05'17"W, 22.00 feet; thence N89°54'43"E, 40.00 feet to the Point of Beginning. Generally located south of Lincoln and west of George Washington Boulevard (901 S. George Washington Blvd.).

Attn. Exec. Vice President:

We have reviewed your request for an Administrative Adjustment to reduce the street side setback on the above-referenced property. From reviewing the site plan submitted with your application, we understand that you desire to construct an 11.5' x 30' telecommunications equipment building to be located north of the existing office building; however, there is not sufficient ground space north of the existing office building to maintain the required separation between structures without encroaching 2 feet into the 10-foot street side setback required by the property's "LC" Limited Commercial zoning. Therefore, you request to reduce the street side setback from 10 feet to 8 feet.

Sec. V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce setbacks by up to 20 percent when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the street side setback from 10 feet to 8 feet meets the four conditions required by Sec. V-I.6 of the Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as the street side yard will not be used for a vehicle parking area or circulation aisle and sufficient space remains for pedestrian circulation.

2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the reduction of the street side setback, as this portion of the subject property below-grade due to the Lincoln overpass at I-135. The

Lincoln overpass screens this portion of the property from surrounding areas to the north and west, and the existing office building screens this portion of the property from surrounding areas to south and east.

3) Compatibility with existing or permitted uses on abutting sites: The proposed telecommunications equipment building is an accessory structure permitted in the "LC" Limited Commercial zoning district and is, therefore, compatible with abutting sites, which are developed in a similar fashion with office and commercial uses including accessory structures, including the 901 Building on the subject property, which is developed a no setback along Lincoln.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an Administrative Adjustment to reduce the street side setback from 10 feet to 8 feet for the aforementioned property is hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.

2) The setback reduction shall apply only to the "Proposed Equipment Building" as illustrated on the approved site plan. Future structures on the subject property shall conform to the setbacks permitted by the property development standards of the zoning district unless separate Zoning Adjustment or Variance is granted.

3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The zoning adjustment sign may now be removed from the property.

Marvin S. Krout
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

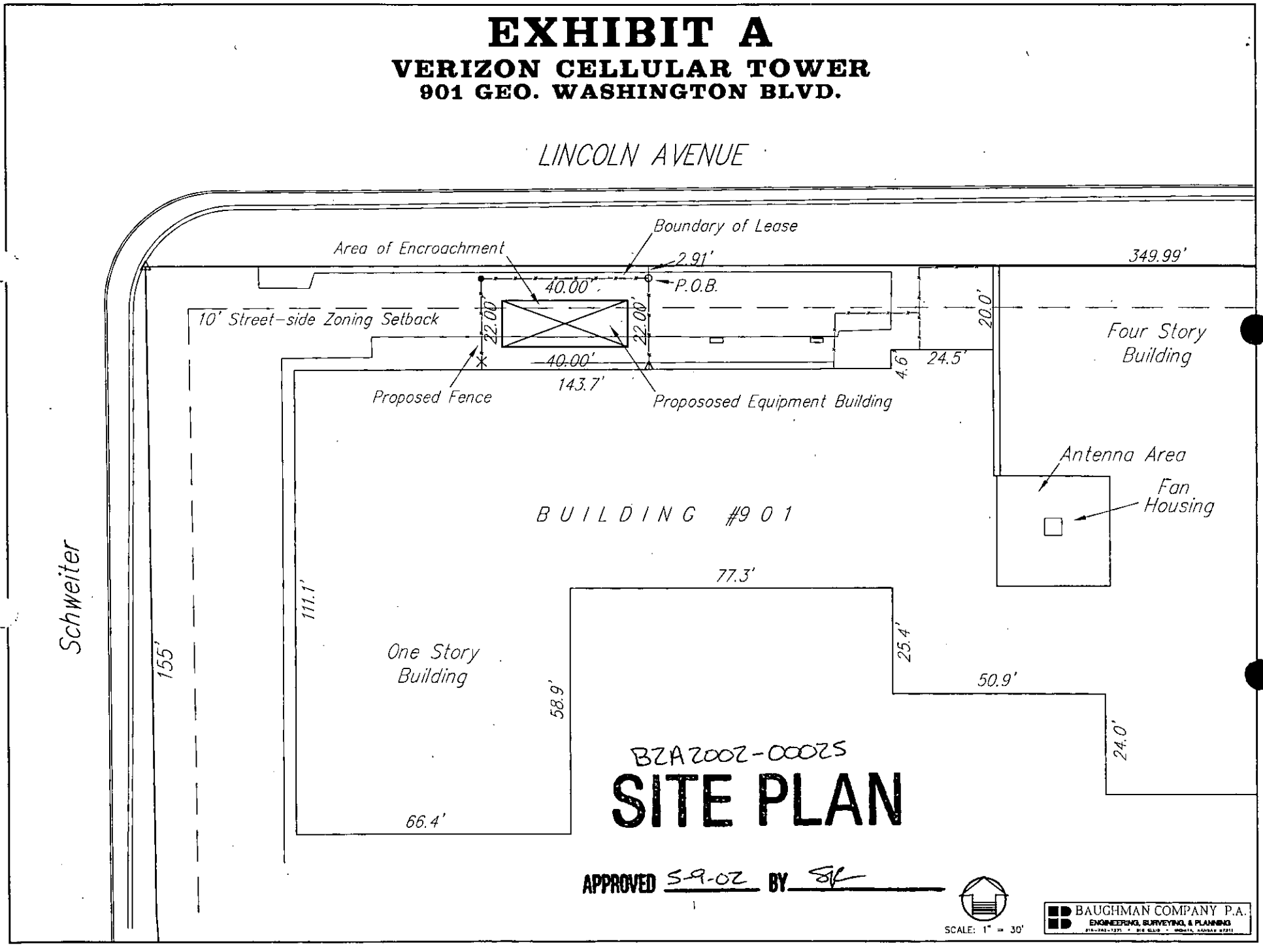
Enclosure

cc: Teresa Edwards, CES, 3 NE Victoria Dr., Lee's Summit, MO 64086
Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection

EXHIBIT A

VERIZON CELLULAR TOWER

901 GEO. WASHINGTON BLVD.



BZA2002-00025

SITE PLAN

APPROVED 5-9-02 BY SF

SCALE: 1" = 30'

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING