CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 10, 2018

Brian Lindebak
MKEC Engineering
411 North Webb Road
Wichita, KS 67206

RE: BZA2017-00012 – City Variance to allow for the reduction of parking for a clubhouse from 31 to 13, generally located northeast of the intersection of South 135th Street West and US Highway 54

Dear Mr. Lindebak,

At its regular meeting on **April 19, 2018**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kyle C Kobe

Kyle C. Kobe
Associate Planner

Copies to: MABCD
Perfection Signature Properties, Jason Ronk, 11828 W Central Ste 112, Wichita,KS 67212
Jeff Blubaugh, WCC District IV
Rebecca Fields, CSR District IV
Jeff Vanzandt, City Law

BZA RESOLUTION NO. BZA2018-00012

WHEREAS, Brian Lindebak of MKEC Engineering (Agent) on behalf of Perfection Signature Properties, LLC (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow a reduction of required parking spaces from 31 to 14 at the not currently addressed site legally described as follows:

Legal Description: A tract of land lying in a portion of the Southwest Quarter of Section 25, Township 27 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, said portion lying within future Reserve C, in the plat to be known as Auburn Lakes Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

COMMENCING at the southeast corner of said Southwest Quarter; thence along the south line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of S88°11'57"W, 2611.50 feet to the southwest corner of said Southwest Quarter; thence along the west line of said Southwest Quarter, N00°37'32"W, 2182.13 feet; thence N89°22'28"E, 520.31 feet to the POINT OF BEGINNING; thence N73°10'56"E, 236.02 feet; thence N06°24'01"E, 132.87 feet; thence N70°42'41"E, 52.23 feet; thence S41°13'24"E, 129.61 feet; thence S08°39'06"E, 145.64 feet; thence N80°09'05"E, 112.11 feet; thence S71°04'25"E, 323.26 feet; thence S37°59'07"W, 77.37 feet to a point on the south line of said Reserve C, also being a point on a non-tangent curve to the left, said curve having a radius of 136.00 feet, a central angle of 54°22'05", a chord bearing of N79°11'56"W, and a chord distance of 124.26 feet; thence along said south line for the next four courses and along said non-tangent curve to the left, 129.05 feet to a point on a curve to the right, said curve having a radius of 584.00 feet, a central angle of 37°50'15", a chord bearing of N87°27'51"W, and a chord distance of 378.40 feet; thence along said curve to the right, 385.67 feet; thence N68°32'43"W, 148.21 feet to a point on a curve to the left, said curve having a radius of 391.00 feet, a central angle of 19°27'14", a chord bearing of N78°16'20"W, and a chord distance of 132.12 feet; thence along said curve to the left, 132.76 feet; thence N02°00'03"E, 49.47 feet to the POINT OF BEGINNING.

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 19, 2018, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the purpose of this clubhouse facility is to cater specifically and exclusively to the residents of the neighborhood. The entire development is designed to foster a compact and walkable environment. Given that the clubhouse operation differs from a publically accessible clubhouse type facility that the code is designed to address, this meets the uniqueness requirements for approval.

WHEREAS, the proposed development style is in fact an asset to the community as it encourages a pedestrian friendly and healthy lifestyle type of development. Given that it will serve the neighborhood exclusively there should be no negative impacts on adjacent property.

WHEREAS, strictly applying the parking requirements will deprive the overall residential development from operating as it was originally intended to and would be out of character with the overall concept for the neighborhood.

WHEREAS, since this is designed to be an amenity for the neighborhood as well as a key piece of the development helping to encourage a healthier and more walkable environment, it should be considered an asset that works as a positive for the public interest.

WHEREAS, this style of clubhouse development differs from the more common publically accessible clubhouses one might expect to find in other locations, this application does not violate the spirit or intent of the zoning code, it simply doesn't fit in with the provisions of the code.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to allow a reduction of required parking spaces from 31 to 14 at the not currently addressed site legally described as follows:

Legal Description: A tract of land lying in a portion of the Southwest Quarter of Section 25, Township 27 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, said portion lying within future Reserve C, in the plat to be known as Auburn Lakes Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

COMMENCING at the southeast corner of said Southwest Quarter; thence along the south line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of S88°11'57"W, 2611.50 feet to the southwest corner of said Southwest Quarter; thence along the west line of said Southwest Quarter, N00°37'32"W, 2182.13 feet; thence N89°22'28"E, 520.31 feet to the POINT OF BEGINNING; thence N73°10'56"E, 236.02 feet; thence N06°24'01"E, 132.87 feet; thence N70°42'41"E, 52.23 feet; thence S41°13'24"E, 129.61 feet; thence S08°39'06"E, 145.64 feet; thence N80°09'05"E, 112.11 feet; thence S71°04'25"E, 323.26 feet; thence S37°59'07"W, 77.37 feet to a point on

the south line of said Reserve C, also being a point on a non-tangent curve to the left, said curve having a radius of 136.00 feet, a central angle of 54°22'05", a chord bearing of N79°11'56"W, and a chord distance of 124.26 feet; thence along said south line for the next four courses and along said non-tangent curve to the left, 129.05 feet to a point on a curve to the right, said curve having a radius of 584.00 feet, a central angle of 37°50'15", a chord bearing of N87°27'51"W, and a chord distance of 378.40 feet; thence along said curve to the right, 385.67 feet; thence N68°32'43"W, 148.21 feet to a point on a curve to the left, said curve having a radius of 391.00 feet, a central angle of 19°27'14", a chord bearing of N78°16'20"W, and a chord distance of 132.12 feet; thence along said curve to the left, 132.76 feet; thence N02°00'03"E, 49.47 feet to the POINT OF BEGINNING.

The variances are hereby GRANTED, subject to the following conditions:

- The required off street parking spaces will be reduced to 13, with an additional ADA accessible space, per the applicant's site plan.
- The site shall be constructed in substantial conformance with the approved site plan.
- All parking spaces are to be paved and striped.
- The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
- The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 10th Day of May 2018.

BZA Board Chair, Joseph A. Johnson

ATTEST:

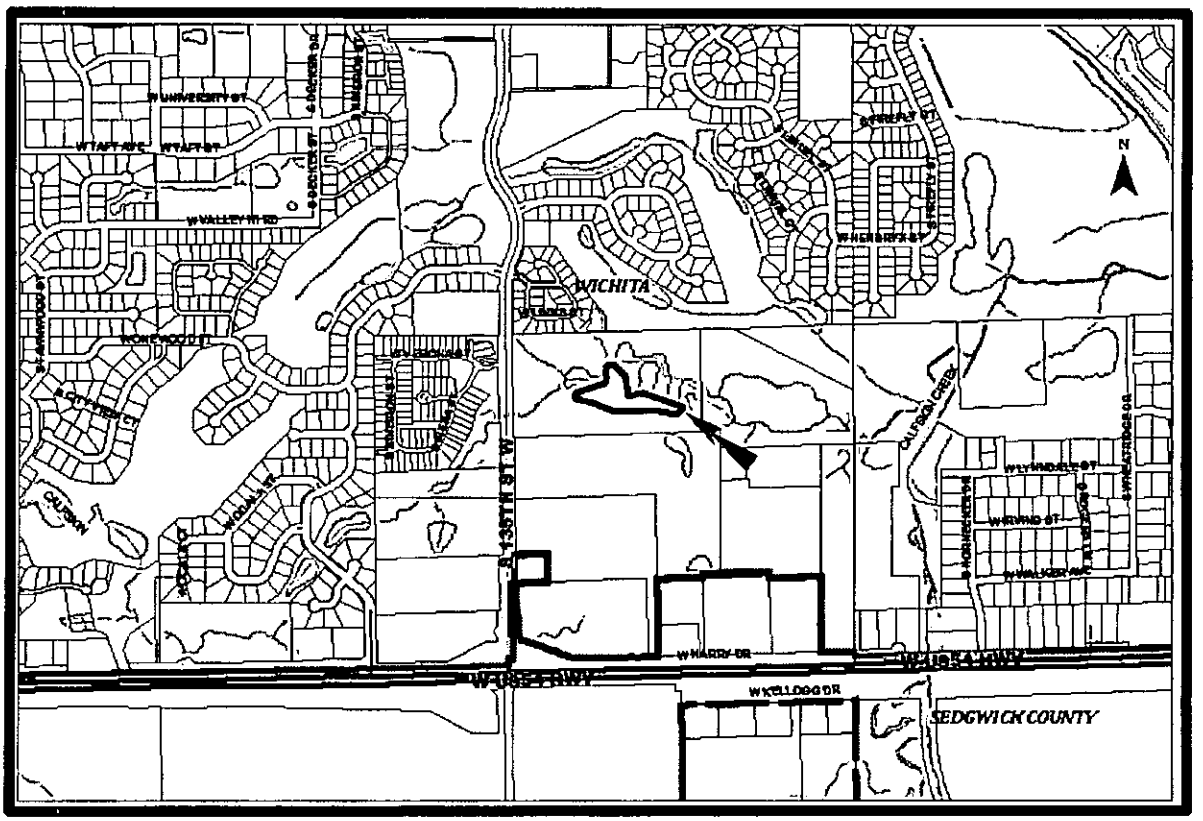
David L. Yearout,
BZA Secretary

Wichita-Sedgwick County Zoning Board of Appeals
April 19, 2018

AGENDA ITEM NO. **3**

SECRETARY'S REPORT

CASE NUMBER:	BZA2018-00012
APPLICANT:	Brian Lindebak with MKEC Engineering (agent) Jason Ronk with Perfection Signature Properties (applicant)
REQUEST:	Variance to reduce the required parking for a clubhouse from 31 to 13 spaces
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	0.76 acres
LOCATION:	Generally located northeast of the intersection of South 135th Street West and US Highway 54.



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions Section V-G of the Unified Zoning Code for Wichita/Sedgwick County, and as outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The applicants are requesting the reduction of the required parking for a clubhouse in the Courtyards at Brookfield Addition single family residential development. This was originally filed as an application for an Administrative Adjustment, but it was determined that the amount of spaces being reduced exceeded the capacity of the Administrative Adjustment process and the case was upgraded to a Variance case.

The use proposed falls under the designation of Neighborhood Swimming Pool in the Off-street Parking Schedule of the Unified Zoning Code (UZC), stating:

> One per 110 square feet of pool area, plus one per 100 square feet of clubhouse area excluding restrooms and dressing rooms.

Based on the calculations prescribed by the UZC and utilizing the dimensions available on the site plan provided by the applicant the required amount of parking spaces for the clubhouse and pool area would be 34 total spaces. However, these calculations are based on an assessment that factors in the entire floor area and doesn't except out any part of the floor area for restrooms, storage areas, and other such portions of the structure. These areas are excepted out in the calculations done by the Metropolitan Area Building and Construction Department (MABCD) when they are reviewing plans for building permits. It should also be noted that the pool requirements are calculated off of the area of the pool itself, not the entire enclosed pool deck area that surrounds the pool itself.

The applicant has submitted plans to staff showing a similar recent project. While this was for a different project, the plans that are the subject of this Variance case were based off of this previous case. The applicant has stated that the floor plans for this site will be essentially identical to these previous plans, where the parking requirement was determined to be 31 spaces.

The applicant has determined that due to the nature of the development and the surrounding areas being residential in nature, which this clubhouse facility intends to serve exclusively, that the reduction of the required parking is justified given that the residents should be able to walk to the clubhouse area from their residences. Furthermore the additional parking available at any given time at residents' houses should supplement the available parking directly available on site.

The parking requirements contained within the UZC are particular to a given use, though they are still generalized to a certain extent. For example, libraries are required to provide one parking space per 400 square feet of floor area. Government service must provide one space per 333 square feet. A cemetery must conduct a parking study and submit that for approval. All of these different uses have a wide range of potential 'real' parking requirements. That a particular use may fall outside of the code required amount does not necessarily mean that the plan for the development is flawed, it could potentially mean that the code does not properly account for that specific iteration of the use.

The City of Wichita has recently begun a city wide parking study project to reassess a variety of parking related issues within the city. The areas that will be explored include the amount of public parking available downtown and reexamining issues such as the code required parking per use.

It should also be noted that on a national level, there has been a growing movement on the part of professionals and activists alike for the reduction of parking requirements, and in some cases parking minimums overall. The idea behind this is that code required parking amounts are often higher than they need to be and can act as both a deterrent to potential development as well as to the city overall as it mandates larger percentages of the land area be covered in surface parking.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Platted Single Family Residence
SOUTH	SF-5	Platted Single Family Residence
EAST	SF-5	Platted Single Family Residence
WEST	SF-5	Platted Single Family Residence

CASE HISTORY: This property was platted as Reserve C of the Auburn Lakes Addition.

UNIQUENESS: The applicant states that the purpose of this clubhouse facility is to cater specifically and exclusively to the residents of the neighborhood. The entire development is designed to foster a compact and walkable environment. Given that the clubhouse operation differs from a publically accessible clubhouse type facility that the code is designed to address, the applicant feels this meets the uniqueness requirements for approval.

ADJACENT PROPERTY: The applicant states that the proposed development style is in fact an asset to the community as it encourages a pedestrian friendly and healthy lifestyle type of development. Given that it will serve the neighborhood exclusively there should be no negative impacts on adjacent property.

HARDSHIP: The applicant states that strictly applying the parking requirements will deprive the overall residential development from operating as it was originally intended to and would be out of character with the overall concept for the neighborhood.

PUBLIC INTEREST: The applicant states that since this is designed to be an amenity for the neighborhood as well as a key piece of the development helping to encourage a healthier and more walkable environment, it should be considered an asset that works as a positive for the public interest.

SPIRIT AND INTENT: The applicant states that given that this style of clubhouse development differs from the more common publically accessible clubhouses one might expect to find in other locations, this application does not violate the spirit or intent of the zoning code, it simply doesn't fit in with the provisions of the code.

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 the required off street parking spaces from 31 to 13 be ***GRANTED***, subject to the following conditions:

- The required off street parking spaces will be reduced to 13, with an additional ADA accessible space, per the applicant's site plan.
- The site shall be constructed in substantial conformance with the approved site plan.
- All parking spaces are to be paved and striped.
- The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
- The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

Report Attachments:

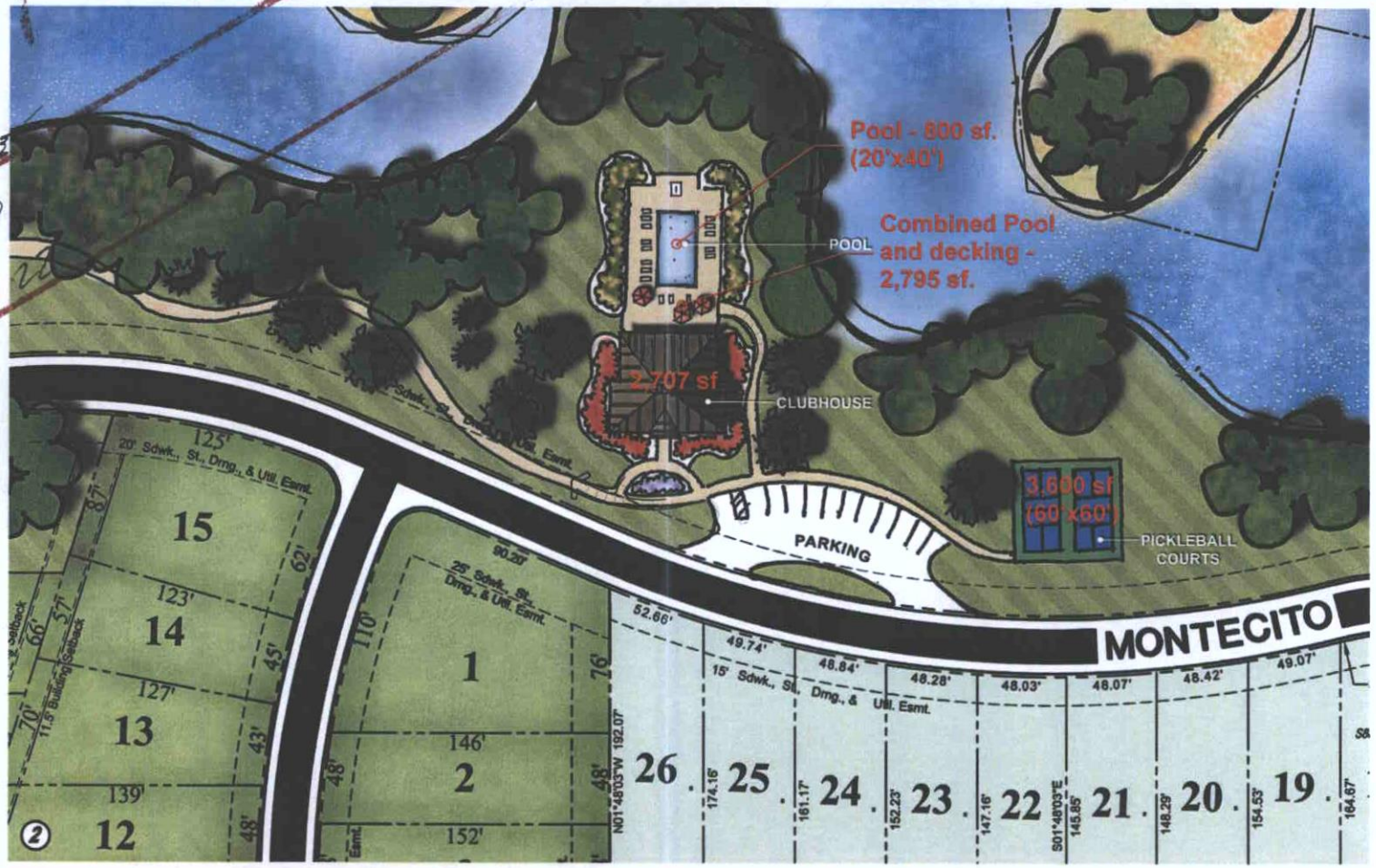
1. Aerial Map
2. Zoning Map
3. Applicant's Narrative
4. Site Plan

APPROVED

Kyle C Kessler

22 April 2018

Date:



SITE PLAN

02.06.2018

MKEC ENGINEERING SUCCESS

CLUBHOUSE SITE PLAN

Auburn Lakes Addition