CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 20, 2003

Bahman Raisdana
631 Birkdale Dr.
Wichita KS 67230

Re: **BZA2003-00047: Zoning Adjustment to reduce the parking requirement from 48 spaces to 38 spaces for a maximum 5,600 square feet of large item retail space in conjunction with a 93-occupant restaurant only.**

Legal Description: The north 120 feet of the east 175 feet of the west 185 feet of Lot 1, Block A, Dean-Rupert Second Addition, Wichita, Sedgwick County, Kansas. Generally located south of Central and east of Rock (360 & 366 N. Rock).

Dear Ms. Raisdana:

We have reviewed your request for a Zoning Adjustment to reduce the parking requirement on the above-referenced property. From reviewing your application, we understand that you propose to remodel existing retail space the property and change the use of a portion of the building to a 93-occupant restaurant. We further understand that the parking requirement for the 93-occupant restaurant and the remaining 5,600 square feet of space used for large item retail is 48 parking spaces; however, only 38 parking spaces are provided on the property. Therefore, you have requested a Zoning Adjustment to reduce the parking requirement from 48 spaces to 38 spaces.

Sec. V-I.2.i. of the Unified Zoning Code allows an adjustment to reduce the parking requirement by up to 25 percent for remodeling projects when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the parking requirement as proposed 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 extent of the parking requirement reduction is within allowable limits; therefore, sufficient on-site parking should be provided such that on-street should not be necessary. Since all parking for the uses in the building should be off-street, there should not be negative impacts on the safety and convenience of vehicular and pedestrian circulation in the area.

2) Impact on existing uses in surrounding areas: There should be no negative impact on uses in surrounding areas as a result of the reduction of the parking requirement, as sufficient parking should be provided on-site with no resulting off-site parking need being generated by the building that would utilize parking provided for adjacent businesses.

3) Compatibility with existing or permitted uses on abutting sites: Retail and restaurant uses and accessory uses such as parking are permitted in the Limited Commercial zoning district, and reducing the parking requirement should not compromise existing or permitted uses on abutting sites due to the minor nature of the reduction of the parking requirement.

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 a Zoning Adjustment to reduce the parking requirement from 48 spaces to 38 spaces 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 parking area shall be paved and marked in general conformance with the approved site plan.

3) The Zoning Adjustment is for a parking requirement reduction only for a maximum 5,600 square feet of large item retail space in conjunction with a 93-occupant restaurant. If an increase in building square footage and/or a change in use increases the parking requirement of the Unified Zoning Code for the property, then additional parking spaces over and above 38 shall be provided unless a separate zoning adjustment or variance is granted.

4) 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.

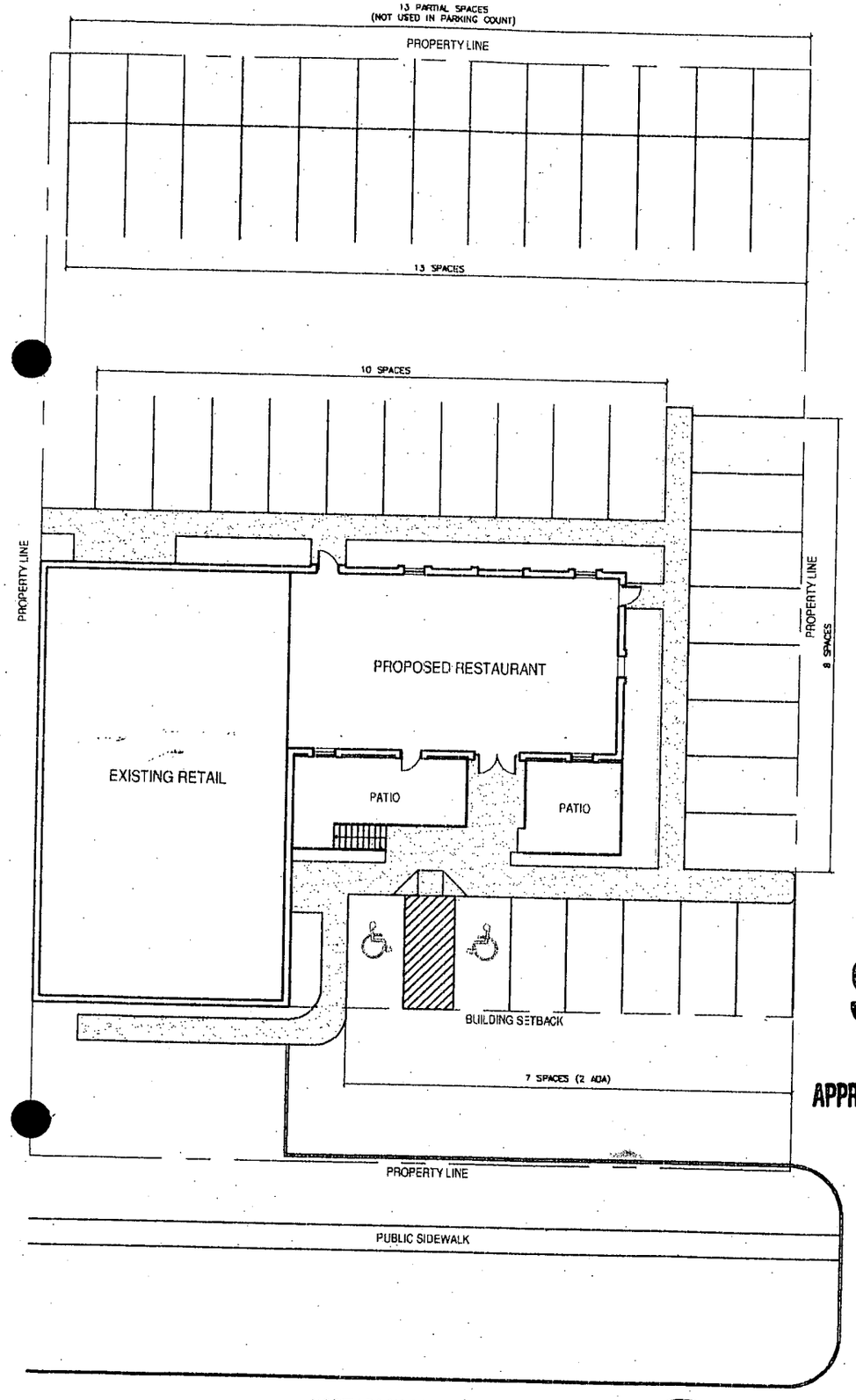
The zoning adjustment sign may now be removed from the property.

John L. Schlegel
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Judy Palmero-Everts, 704 W. Gatewood, Wichita, KS 670002
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



PARKING

EXISTING

PROVIDED: 38 SPACES (2 ADA)

REQUIRED: 35 SPACES (2 ADA)

CHANGE OF USE

PROVIDED: 38 SPACES (2 ADA)

REQUIRED: 48 SPACES (2 ADA)

CALCULATIONS

RESTAURANT: 93 OCCUPANTS (1 PER 3 occ) = 31 SPACES

LARGE RETAIL: 5600 sqft (333 sqft:ea occ) = 17 SPACES

TOTAL: 48 SPACES (2 ADA)

NOTES:

1. EXISTING PARKING LAYOUT SHOWN
2. 1 ADA SPACE WILL RELOCATE TO EAST SIDE BUILDING FOR RESTAURANT ADA ACCESS (RAMP WILL BE PROVIDED)

BZA2003-00047

SITE PLAN

APPROVED 8-20-03 BY SK

N

SITE PLAN

SCALE: 1" = 30'-0"

Client/Project

Byzantium Cafe

360 N. Rock Road
Wichita, KS

GROUP THREE DESIGN STUDIO

1617 Summit
Kansas City, Missouri 64108
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