



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

January 27, 2004

City of Wichita
%Norman R. Jakovac
Public Works
Construction Supervisor
Mail Stop 1-82
Wichita, KS 67202

RE: BZA2003-00066 – A variance to reduce the off-street parking requirements to 65 spaces per ball field on property zoned “SF-5” Single-family Residential. Generally located north of 29th Street North and west of Greenwich. (District II)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on January 27, 2004, this resolution reflects the official action of the Board to grant your requests 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 at 268-4421

Sincerely,

Scott Knebel
Senior Planner

SK/rs

Cc: McCluggage VanSickle, and Perry Architects, P O Box 3848, Wichita, KS 67201
Susan Schlapp, WCC, District II, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, 1-72

BZA RESOLUTION NO. 2003-00066

WHEREAS, City of Wichita c/o Norman R. Jakovac (owner/applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the off-street parking requirements to 65 spaces per ball field on property zoned "SF-5" Single-family Residential legally described as follows:

The South Half of the Southeast Quarter of Section 33, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except beginning 60 feet north of the Southeast corner, thence West 772 feet, thence North 1207.31 feet, thence East 772 feet, South 1208.04 feet to beginning, except Regency Park Addition and Except the East 50 feet for road. Generally located north of 29th Street North and west of Greenwich.

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 January 27, 2004, 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. It is the opinion of the Board that this property is unique inasmuch as the property will be developed with ball fields for youth. The UZC parking requirements are general and are intended to cover all types of athletic fields for all age groups, and in the instance of the subject property, they result in a unique situation where the subject property is required to provide significantly more parking than needed.

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 the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the applicant owns the only adjacent property at which users of the subject property might reasonably park, and the applicant has indicated that any overflow parking for the ball fields will be permitted to use the parking at the adjacent soccer fields.

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 the Board that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as providing the code-required number of parking spaces is cost prohibitive and would limit the ability to develop a community recreational asset.

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 the Board that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in providing recreational facilities for youth at a reasonable cost.

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 the Board 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 proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for an athletic field because it will be a youth baseball complex.

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.

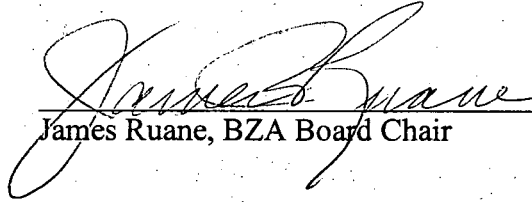
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance be granted to reduce the off-street parking requirements to 65 spaces per ball field on property zoned "SF-5" Single-family Residential and legally described as follows:

The South Half of the Southeast Quarter of Section 33, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except beginning 60 feet north of the Southeast corner, thence West 772 feet, thence North 1207.31 feet, thence East 772 feet, South 1208.04 feet to beginning, except Regency Park Addition and Except the East 50 feet for road. Generally located north of 29th Street North and west of Greenwich.

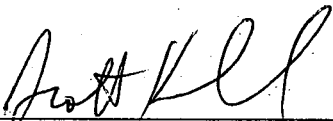
The variance is hereby GRANTED, subject to the following conditions:

1. The parking requirement shall be a minimum of 85 parking spaces per ball field.
2. The site shall be developed in substantial conformance with the an amended site plan that contains two double-loaded parking fields for the first ball field.
3. All parking areas shall be paved and marked.
4. The operation of ball fields on the subject property shall be limited to youth ball fields.
5. The applicant shall obtain all permits necessary to construct the improvements.
6. 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 27th DAY of JANUARY, 2004.


James Ruane, BZA Board Chair

ATTEST:


Scott Knebel, BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
January 27, 2004

SECRETARY'S REPORT

CASE NUMBER: BZA2003-00066

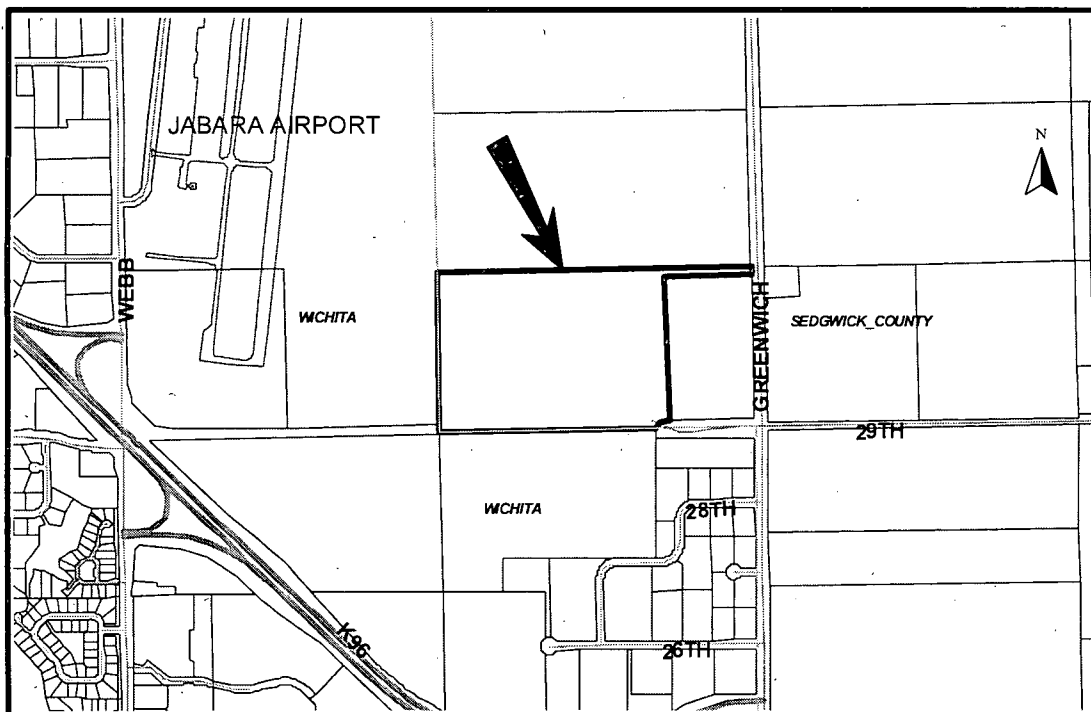
APPLICANT/AGENT: City of Wichita c/o Norman R. Jakovac (Owner/Applicant)

REQUEST: A variance to reduce the off-street parking requirements to 65 spaces per ball field

CURRENT ZONING: "SF-5" Single Family

SITE SIZE: 59.67 acres

LOCATION: North of 29th Street North and west of Greenwich



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: For athletic fields, the Unified Zoning Code (UZC) requires one parking space per three spectator seats, plus 1 space per 1,000 square feet of field area, plus 1 space per 250 square feet of office area. The applicant proposes to construct a youth baseball complex north of 29th Street North and west of Greenwich for which the UZC requires 127 parking spaces per ball field. The applicant indicates that the required parking is significantly in excess of the number of parking spaces needed, which the applicant estimates at 65 parking spaces per ball field. A variance is required to reduce the off-street parking requirement by more than 10% for newly constructed sites.

The applicant has requested a variance to reduce the parking requirement to 65 parking spaces per ball field. The applicant indicates in the attached justification that the proposed number of parking spaces per ball field is based on actual need and is supported by similar projects in other jurisdictions that require significantly fewer parking spaces than required by the UZC. Planning staff researched the parking requirements for several dozen jurisdictions, and the most common parking requirement for athletic fields is one parking space per four spectator seats, which would only require 25 parking spaces per ball field. Additionally, none of the jurisdictions researched would require as many parking spaces per ball field as proposed by the applicant. Therefore, the applicant's proposal to provide 65 parking spaces per ball field is reasonable in the opinion of planning staff.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-20"	Agriculture
SOUTH	"LI"	Soccer fields
EAST	"SF-20"	Agriculture
WEST	"LI"	Airport

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property will be developed with ball fields for youth. The UZC parking requirements are general and are intended to cover all types of athletic fields for all age groups, and in the instance of the subject property, they result in a unique situation where the subject property is required to provide significantly more parking than needed.

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 applicant owns the only adjacent property at which users of the subject property might reasonably park, and the applicant has indicated that any overflow parking for the ball fields will be permitted to use the parking at the adjacent soccer fields.

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,

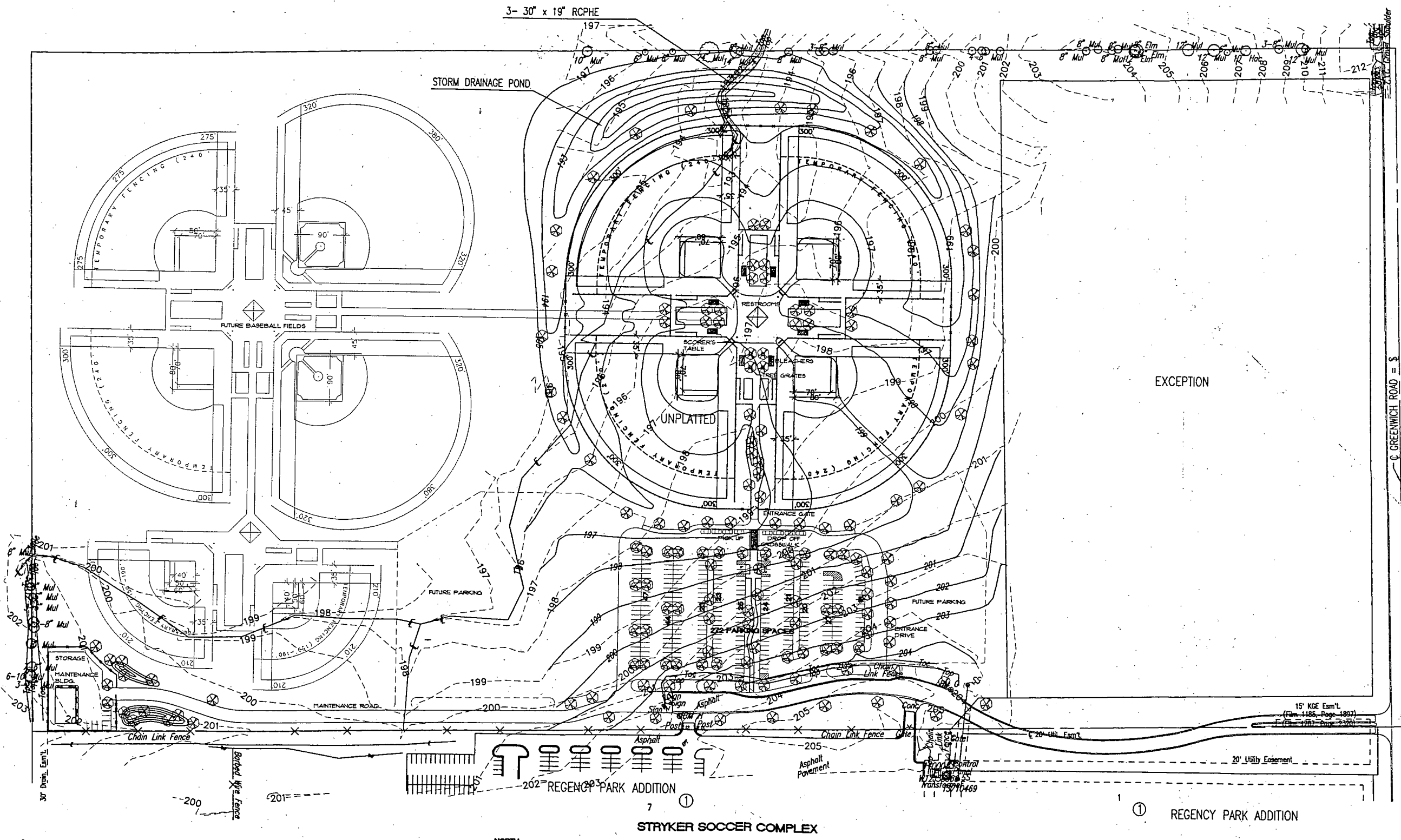
inasmuch as providing the code-required number of parking spaces is cost prohibitive and would limit the ability to develop a community recreational asset.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in providing recreational facilities for youth at a reasonable cost.

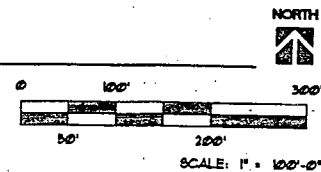
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for an athletic field because it will be a youth baseball complex.

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 to 65 parking spaces per ball field be GRANTED, subject to the following conditions:

1. The parking requirement shall be 65 parking spaces per ball field.
2. The site shall be developed in substantial conformance with the approved site plan.
3. All parking areas shall be paved and marked.
4. The operation of ball fields on the subject property shall be limited to youth ball fields.
5. The applicant shall obtain all permits necessary to construct the improvements.
6. 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.



A SITE PLAN



SITE PLAN

SP1.0

PROJECT NO.
 MVP PROJECT NO. 101053
 DATE: DECEMBER 3, 2002
 REVISED: MARCH 3, 2003

NORTHEAST BASEBALL COMPLEX
29TH STREET NORTH AND GREENWICH ROAD
WICHITA, KANSAS



ARCHITECTS • PLANNERS • LANDSCAPE ARCHITECTS
15 S. WASHINGTON WICHITA, KANSAS 67202
TEL 360-2608 • FAX 360-2608

MCCLUGGAGE VAN SICKLE & PERRY