

Case No. BZA 31-86 - North Rock Road Limited Partnership requests a variance to reduce the required number of off-street parking spaces from 145 spaces to 104 spaces for the expansion of a restaurant & club on property zoned the "LC" Light Commercial District & generally located on the west side of Rock Rd. north of 13th St. (1615 N. Rock Rd)

POSTED  
8-19-86 REC.

ACTION

BZA. 31-86. Referred to '88 9/23/86  
DATE

BZA \* 10/28/86

\* Applicant withdrew request -

See letter of 10-17-86 in file.

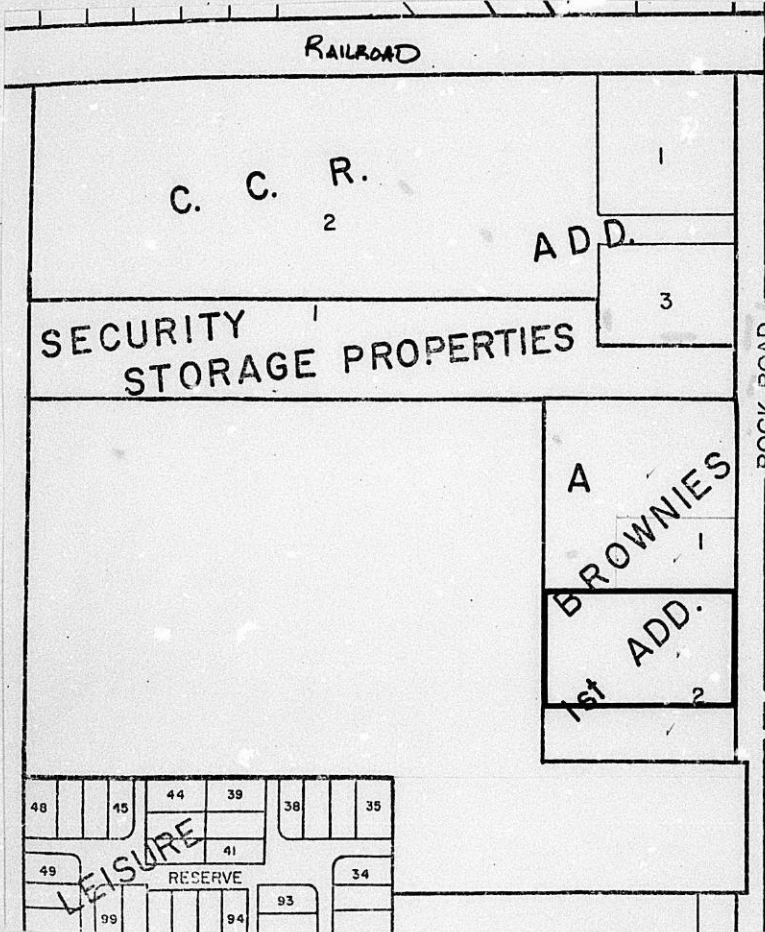
*[Signature]*

Map No. 5949 B

BZA 31-86  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E "R-1" S "LC" W "AA" N "C"
3. Land Use: East Agri. South Restaurant  
West Radio Tower North Comm.
4. Area (is) (~~was~~) platted.



LOS ANGELES-CHICAGO-LOGAN, OH  
HOUSTON, TX-LOCUST GROVE, GA  
1924

**Standard**  
No. 2-153C

Case No. BZA 31-86

ALTERNATE RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance have been found to exist, then it is recommended that the following conditions be established as approval of the variance to reduce the required off-street parking from 145 to 104 spaces.

1. The applicant shall provide not less than 104 off-street parking spaces on the property in conformance with the standards established by the Traffic Engineers Office. Off-street parking shall be surfaced and maintained in good condition as required by ordinance. Both driveways shall operate as two-way drives.
2. The business (restaurant/club) shall not exceed a capacity of 400 persons and the hours of operation shall not commence before 6:00 p.m. on any day except Sunday. No more than 6,000 square feet of retail or office space on the property shall be open later than 6:00 p.m.
3. Any change of occupancy of the space occupied by the club shall be subject to compliance with the required off-street parking of the zoning ordinance.
4. The Superintendent of Central Inspection shall monitor the property, and if at any time there is deemed to be inadequate parking on site to accommodate all customers and employees on-site, he shall notify the Secretary of the Board of the conditions, who shall in turn establish a time for reconsideration of the variance before the Board for possible revocation of the variance.



*Terae Management Company, Inc.*

INVESTMENT MANAGEMENT

1615 NORTH ROCK ROAD, WICHITA, KANSAS 67206 (316) 683-0225

October 17, 1986

Mr. Glen Lytle  
Board of Zoning Appeals  
City of Wichita  
City Hall, 10th Floor  
455 N. Main Street  
Wichita, KS 67202

Re: BZA 31-86

Dear Mr. Lytle:

This letter is to request the withdrawal of my request for off-street parking variance. We have followed the instructions of the Board of Zoning Appeals and worked out our problem with the Central Inspection Division.

Thanks for your cooperation.

Sincerely,

NORTH ROCK ROAD LIMITED PARTNERSHIP

By: 

Hugo E. Ribadeneira

cc: Monty Robson  
Lawrence E. Wells

**RECEIVED**

OCT 20 1986

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

September 29, 1986

Hugo L. Ribadeneira  
North Rock Road Limited Partnership  
1615 North Rock Road, Suite E  
Wichita, Kansas 67206

RE: 31-86 Request for Off-street parking variance

Dear Mr. Ribadeneira:

At the meeting of the Board of Zoning Appeals on September 23, 1986, it was the action of the Board to defer action on your requested variance until the meeting of October 28, 1986. The Board had real concerns on the variance request to reduce the parking for this type of use, and rather than deny the request, they felt that they should give you the opportunity to come up with additional parking for the development.

As was pointed out to you at the meeting, there have been numerous parking problems on the property in the past and any increase in capacity of the club will only compound the problem. It is unfortunate that you have proceeded with any work until this matter was resolved, however, there should be some way to acquire the use of some adjacent property for additional parking either by purchase or long term lease.

As I stated at the meeting on September 23, 1986, it is next to impossible to secure an agreement on adjacent property that is made binding on the property as required by ordinance. Most owners only want to agree to the use of the property until such time they decide to develop it for some other use which does not fulfill the intent of the regulations.

It is apparent that you are not fully aware of the requirement of the code as it applies to off-street parking. Parking requirements are based on the use of the building and these requirements are different for offices and retail space as compared to a restaurant and club. Unfortunately, it is difficult to convert a building for which the original permit was issued for primarily retail usage to a restaurant and club without providing additional parking unless adequate land area is readily available for the required parking.

BZA 31-86  
September 29, 1986  
Page 2

If I can be of any assistance in resolving this matter, please advise. Also, if you are successful in anyway in securing additional area for parking that will alter your variance request before the October 28 meeting, please furnish this information to this office.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL/lw

cc: Monty Robson, Superintendent of Central Inspection  
Delores Mast, Plans Examiner  
Lawrence Wells, Architect, 254 Laura, Suite 205, Wichita, KS 67211

September 22, 1986

To: North Rock Road L. P.


From: Allen Warren/State Farm Insurance Company

SUBJECT: BUSINESS HOURS

Our hours of operation are from 9:00 a.m. to 6:00 p.m. Monday through Friday.

We do not rely on the walk-in traffic generated by Memories and Jean Lafitte as our primary source of clients for our business.

Sincerely,

A handwritten signature in cursive script that reads "Allen Warren". The signature is written in dark ink and is positioned above a horizontal line.

Allen Warren,  
State Farm Insurance

September 22, 1966

To: North Rock Road L. P.

From: Rae Ribadeneira /Undercovers Lingerie and Ladies Sportswear

SUBJECT: BUSINESS HOURS

Our hours of operation are from 10:30 to 5:00 p.m. Monday through Saturday and 1:00 to 5:00 on Sunday.

We do not rely on the walk-in traffic generated by Memories and Jean Lafitte as our primary source of clients for our business.

Sincerely,

  
\_\_\_\_\_  
Rae Ribadeneira, President

Undercover's "too beautiful to hide"

September 22, 1986

To: North Rock Road L. P.

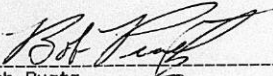
From: Bob Puetz/Catalytic Conditioners Inc.

SUBJECT: BUSINESS HOURS

Our hours of operation are from 9:00 a.m. to 5:00 p.m. Monday through Friday.

We do not rely on the walk-in traffic generated by Memories and Jean Lafitte as our primary source of clients for our business.

Sincerely,

  
-----  
Bob Puetz  
Catalytic Conditioners, Inc.

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      September 8, 1986

TO      Glen Lytle, Special Assistant for Zoning  
FROM      Barry L. Carroll, Administrative Aide III

SUBJECT      BZA 31-86: West side of  
Rock Road and north of 13th  
Street (1615 N. Rock Road)

On Thursday, September 4, CPO Council "I" considered the above captioned case, a request for a variance to reduce the required number of off-street parking from 145 spaces to 105 spaces for the expansion of a restaurant and club, on property zoned the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. After extensive discussion, the Council voted 4-1 (Smith) to recommend approval of the request.

The applicant, Hugo Ribadeneria, was present to describe the request and respond to questions from the Council members and area residents. Mr. Ribadeneria, stated that his business is a mixture of a retail business and club operation, Mr. Ribadeneria noted. He also stated that because the retail business closed at night, most of the required parking spaces are not needed. Council member Smith was in opposition to the request.

Please provide these comments to the Board of Zoning Appeals when case BZA 31-86 is considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

BLC:dm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

RECEIVED

SEP 08 1986

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

*Boomer's capacity -*  
*as of 10-11-85*

*Capacity of 240*

SECRETARY'S REPORT  
CASE NO. BZA 31-86

APPLICANT: North Rock Road Limited Partnership, 1615 N. Rock Road, Suite "E", Wichita, KS

AGENT: Hugh L. Ribadeneira, same.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking from 145 spaces to 104 spaces.

GENERAL LOCATION: On the west side of Rock Road and north of 13th Street (1615 N. Rock Road).

ZONING: Subject property is zoned the "LC" Light Commercial District as is the property to the south. To the north is "C" Commercial and to the east and west is "AA" One-family Dwelling District.

LAND USE: Subject property is developed with a commercial structure. Property to the south is a restaurant and to the north commercial development, but vacant. To the east is undeveloped and to the west is a nonconforming radio tower.

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 the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the off-street parking requirements in order to enlarge the seating capacity of a restaurant/club located on the property. Central Inspection has determined that the parking requirement for all uses on the property would be 145 spaces. This would permit a maximum seating capacity for the restaurant/club of 400 persons, requiring 84 off-street parking spaces plus 61 spaces for the remaining office and retail uses on the property.

It should be noted that the parking requirements for a restaurant/club is based on one parking space for each 5 seats based on the maximum seating capacity. For this type of assembly building, experience has been that the requirement is inadequate unless additional parking is available in the immediate area to accommodate the parking on nights when the attendance reaches capacity. An example of this is the Cowboy Club at 5327 East Kellogg which has a maximum capacity of 277 persons and has only 96 parking spaces. It has created numerous neighborhood complaints due to the inadequacy of parking available by customers parking throughout the residential neighborhood, in addition to the use of adjoining commercial properties. In this case, there is no available on-street parking, and if overflow does occur it will be the parking for commercial development that may not be available for use by the applicant's tenant.

It is the Secretary's opinion that a reduction of off-street parking for this type of use below the one space for each five seats at maximum capacity is not appropriate. It was suggested that the applicants secure additional land to the west where the radio tower is located for the required minimum parking spaces. This could be accomplished by a BZA exception for a parking lot in the "AA" One-family Dwelling District.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as the building was constructed in conformance with the provisions of the ordinance and the expansion of the restaurant/club exceeds the capacity of the property to provide parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as the lack of adequate off-street parking will possibly cause the use of adjacent commercial properties for parking when the capacity of the restaurant/club is at peak usage.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to expand the facility as planned, however, the architect should have been aware of the parking requirements before designing the expansion.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance could possibly adversely affect the public interest inasmuch as the lack of off-street parking can cause on-street traffic congestion if parking spaces are not readily available on the property.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the number of off-street parking spaces are based on minimum requirements and the applicant has not provided any information on the availability of parking on adjacent properties.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance have not been found to exist, and it is the recommendation of the Secretary that the variance be denied.

BZA CASE NO. 31-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>7</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>10</u>	TOTAL NOTICES SENT <u>9-2-86</u>

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

August 29, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 31-86

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by North Rock Road Limited Partnership, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 145 spaces to 104 spaces, for the expansion of a restaurant and club, on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 2, Block A, except the south 100 feet thereof, Brownies First Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Rock Road and north of 13th Street (1615 N. Rock Road).

This application has been assigned Case No. BZA 31-86. It will be considered by the Board of Zoning Appeals on September 23, 1986 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle  
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 31-86

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant North Rock Road Limited Partnership  
 Mailing Address 1615 N. Rock Road, Suite "E" Phone 683-0225  
 Name of Authorized Agent Hugo L. Ribadeneira  
 Mailing Address 1615 N. Rock Road, Suite "E" Phone 683-0225  
 Relationship of applicant to property is that of General Partner  
 (Owner, Tenant, Lessee, Other)

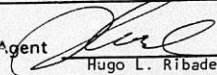
II. The variance requested is Reduce the number of required parking spaces from 145 spaces to 104 spaces to allow an increase in the occupancy load of the lounge/restaurant being planned. See commentary in General Statement attached to this application.  
 for property located on the west side of Rock Road and north of 13<sup>th</sup> (1615 N. Rock Road)

and legally described as: Lot 2, Block A, except the south 100' thereof, Brownies First Addition to the City of Wichita, Sedgwick County, Kansas.

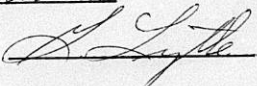
in the City of Wichita; and which is presently zoned L.C.

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
  - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is herewith tendered;
  - c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
  - d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant North Rock Road Limited Partnership

Authorized Agent   
 Hugo L. Ribadeneira

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (a.m./p.m.), AUGUST 13, 1986, together with appropriate fee of 300<sup>00</sup>.

Signed 

ATTACHMENT TO APPLICATION FOR VARIANCE

NORTH ROCK ROAD LIMITED PARTNERSHIP

1615 N. Rock Road

GENERAL STATEMENT:

Plans and specifications were prepared in coordination with the Central Inspection Division to make required building improvements to allow additional occupants in the Memories Club (formerly Boomers). As the building plans were being processed, a request was made for additional parking. A site plan was prepared which indicated 21 additional parking spaces would be added. This would allow a total of 104 parking spaces to be provided on the site. Central Inspection's study of the plans indicates that 145 parking spaces would be required. This is based on 84 spaces for the lounge/restaurant and 61 spaces for the retail/office space. It is called to the attention of those concerned that the lounge/restaurant opening time is scheduled to be 7:00 p.m. which is after the closing time for retail/office uses. Should the request for variance be accepted and the occupant load of 400 persons be allowed, the restaurant/lounge load would be 80 parking spaces leaving 24 spaces for employees and any other of the occupancies that might be coming back for unscheduled night time work.

STATEMENTS RELATING TO VARIANCE REQUESTED:

The variance requested comes from a series of conditions that came about from the long closing of Rock Road to the public. No access to the property was available for a long period of time, and the original intended use became impractical. Several businesses went bankrupt during this period. The Owner is trying to utilize the existing building to a use as compatible to the original intent as possible. Originally the building was designed as an electronic Golf Park with a snack bar and lounge. Later, the Golf Park concept was abandoned and the lounge concept was enlarged. The current renovation plans includes some expansion of the lounge space and the addition of some dining rooms. Because of the overall history of the building it is felt that the situation is unique.

The granting of the variance will not adversely affect the rights of the adjacent property owners.

The strict application of the provisions of Title 28 of which variance is requested will constitute a very unnecessary hardship upon the property owners represented in this application.

The variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the public.

The granting of the variance will not be opposed to the general spirit and intent of Title 28-Zoning Ordinance.

ATTACHMENT TO APPLICATION FOR VARIANCE

NORTH ROCK ROAD LIMITED PARTNERSHIP

1615 N. Rock Road

GENERAL STATEMENT:

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The variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the public.

The granting of the variance will not be opposed to the general spirit and intent of Title 28-Zoning Ordinance.

AUGUST 15, 1986

TO WHOM IT MAY CONCERN:

WE ARE CURRENTLY DOING AN OWNERSHIP LIST FOR SCOTT LOGAN AND  
THE NORTH ROCK ROAD , LIMITED PARTNERSHIP.

THE SEARCH WILL CONSIST OF A 200 FOOT RADIUS, BEGINNING AT THE  
NORTH 110 FEET OF LOT 2, BLOCK A, BROWNIES FIRST ADDITION,  
? COMMONLY KNOWN AS 1619 N. ROCK ROAD, WICHITA, SEDGWICK COUNTY,  
KANSAS.

SINCERELY,  
*Debra Fleming*  
DEBRA FLEMING  
COLUMBIAN TITLE  
313 S. MARKET

**Columbian National Title Insurance**  
of Wichita, Inc.

Columbian Building, 313 South Market

Wichita, Kansas 67202

(316) 262-8231

Lot 2 Block A is 299.04' wide

OWNERSHIP LIST

Legal Description

Owner/Address

The South 100 feet of Lot 2,  
Block A, Brownies 1st Addition.

✓ Choi Fong Ng and  
Raymond K. Ng,  
8601 Brookhollow  
Wichita, KS 67206

✓ Lot 2, except the South 100 feet,  
Block A, Brownies 1st Addition.  
(*see App. 1904'*)  
(*application area*)

✓ North Rock Road Limited  
Partnership  
214 S. Rock Road  
Wichita, KS 67207

The South 130 feet of the East 221 feet  
of Lot 1, Block A, Brownies 1st Addition.

✓ I-C Investments,  
a Limited Partnership  
1311 Pattie  
Wichita, KS 67211

Lot 1, except the South 130 feet  
of the East 221 feet of Lot 1,  
Block A, Brownies 1st Addition.

✓ State Bank of Colwich  
Box 68  
Colwich, KS 67030

The West one-half of the Southwest  
Quarter of Section 8, Township 27 South,  
Range 2 East of the 6th P.M.

✓ Mary R. Koch, Charles  
G. Koch, William Koch,  
and David Koch  
8500 E. 13th  
Wichita, KS 67206

The South 20 Acres of the Northeast  
Quarter of the Southeast Quarter,  
except the North 635 feet of the  
East 400 Feet, Section 7, Township  
27 South, Range 2 East of the 6th  
P.M.

✓ The Radio Station KFH  
Company, Inc.  
Carey House Square  
104 S. Emporia  
Wichita, KS 67202

The North 200 feet of the East one-half  
of the Southeast Quarter of the  
Southeast Quarter, Section 7, Township  
27 South, Range 2 East of the 6th P.M.

✓ Southwestern Bell  
Telephone  
220 E. 6th St, Room 105  
Topeka, KS 66603

Columbian National Title Insurance of Wichita, Inc., hereby certifies  
the foregoing to be a true and correct list of all property owners as  
shown, according to the last deeds filed of record in the Register of  
Deeds Office, Sedgwick County, Kansas within 200 feet of the following  
described property, to-wit:

The North 110 feet of Lot 2, Block A,  
Brownies 1st Addition, Sedgwick County,

*less than application  
area but this list  
favours would not  
change if this legal  
were  
corrected.  
S.C.*

as August 28, 1986 at 7:00 A.M. Addresses as given are furnished as  
a service and are not certified. Liability hereunder is limited to  
the amount of the fee paid herefor.

COLUMBIAN NATIONAL TITLE  
INSURANCE OF WICHITA, INC.

By: Stephen D. Hall  
Abstracter



*received 9:05am  
9-2-86*

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-021

PAYMENT NOTICE  
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
City Bldg Ven	300.00

NAME *Walter R. ...*

ADDRESS *1115 N. ...*

FUND *...* DUE DATE

COMMENTS

DATE *Dec 12 1976* BY *[Signature]*

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm

Roll # 3