

Case No. BZA 32-84 - Carney Enterprises
- requests a variance to reduce the
required number of off-street parking
spaces from 654 spaces to 550 spaces
on property zoned the "LC" Light
Commercial, "DB" Office and the "AA"
One-family Dwelling District and
generally located on the east side of

Posted
5-30-84 hsl

ACTION

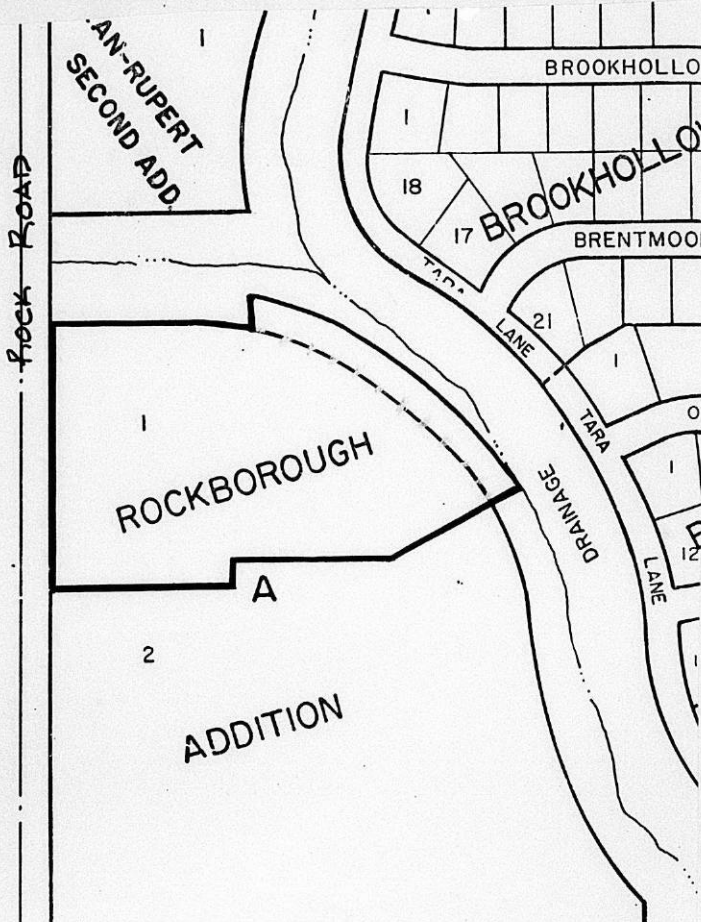
BZA 32-84 Applied
6-26-84

Map No. 6047 D

BZA 32-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S B W AA N LC
3. Land Use: East Res South APTS
West Res North Comm
4. Area (is) (~~is not~~) platted.



LOS ANGELES CHICAGO LOS ANH. OH.
MICHIGAN, TEXAS, CALIF. ILL. IND.
U.S.A.

Shirley
No. 2153C

HASTINGS, MN

APPLICATION for PARKING VARIANCE

**EXECUTIVE PARK EAST
240-302 N. Rock Road
Wichita, Kansas**

APPLICATION FOR PARKING VARIANCE

Executive Park East
240-302 N. Rock Road
Wichita, Kansas

Page 1	Statement of Request for Variance
Exhibit A	Parking Summary
Exhibit B pages B1 - B6	Parking Survey
Exhibit C	Site Plan
Exhibit D	Site Plan Parking Allocation

Carney Enterprises
302 N. Rock Road
Wichita, Kansas 67206

David A. Haines, Architect
Howard Helmer Phillips Architects P.A.

Currently four buildings known as the 240, 250, 260 and 302 Buildings are located in the East Wichita office complex commonly known as Executive Park East. The total required parking based on one (1) parking space per 250 square feet of building area (gross area) is 454 spaces. Presently only 269 parking spaces are provided, with a maximum surveyed utilization of 244 spaces (refer to Exhibit A - parking summary and Exhibit B - parking survey).

The owner will improve the overall parking shortage through the addition of new parking and through revisions of the existing parking lot. The increased parking will also accommodate two (2) new structures on the site (refer to Exhibit C - site plan), an office building and a restaurant.

The additional parking brings the total parking count to 550 spaces. Although below the 654 code required spaces based on gross area, the count is greater than the requirement based on one (1) space per 250 square feet of leasable area (refer to Exhibit A - parking summary). This approach is appropriate considering that the average efficiency of the existing buildings's net leasable area to gross area is in the upper 70% efficiency range compared to new structures which average in excess of 85% usable area.

In addition, the new office building will include many computer oriented operations that presently occupy much of the 250 Building. Due to the economic hardship of converting an existing building to accommodate the special needs of a computer oriented tenant, the computer operation currently housed in the 250 Building will relocate to the new office building. Due to the nature of their space allocations for equipment the computer oriented tenants will have greatly reduced parking requirements.

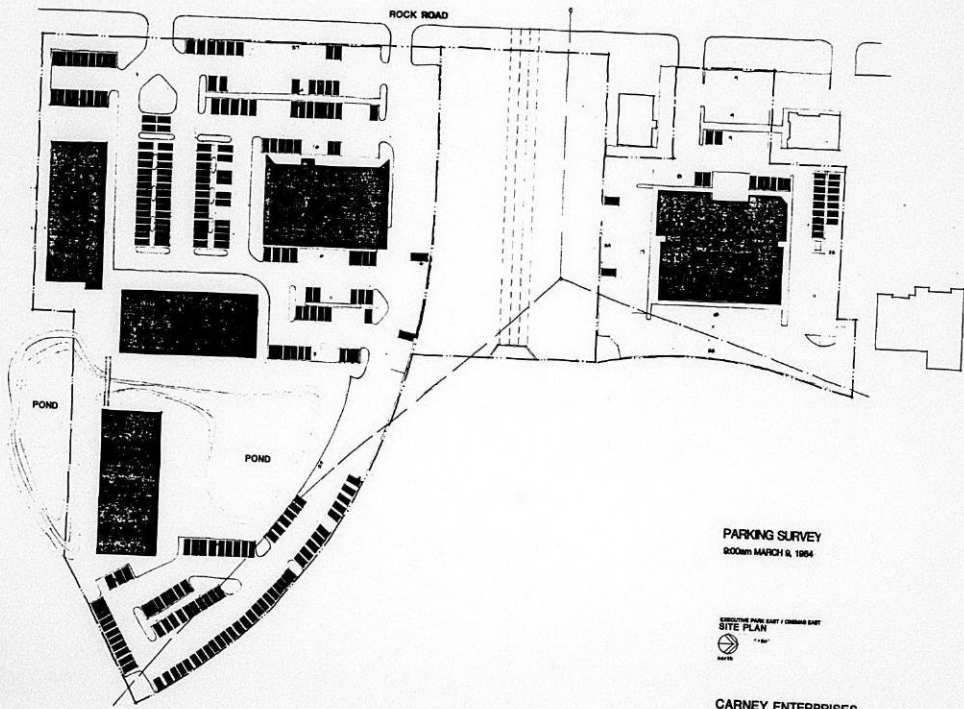
The property is bordered by developed property and is impossible to economically acquire for increased parking use. The additional parking will be gained through revising the existing parking layout and by utilizing 60 feet of the flood control dedication that does not directly abut adjoining property owners. Additional landscaping will be provided to shield neighborhoods to the east from parking lot lighting.

The requested variance will be an improvement to the public safety and general welfare through aesthetic improvements made by the addition of major landscaping in new parking areas and through improved traffic safety resulting from the connection of multiple exit ways onto Rock Road, thus reducing the hazard of entry and exit during peak traffic times.

The spirit of Title 28 is maintained by passing parking requirements based upon the usable occupied building area rather than strict enforcement based on gross building area.

SITE PARKING SUMMARY

BUILDING	LEASE AREA	TOTAL AREA	CODE REQUIRED PARKING (gross area)	CODE REQUIRED PARKING (leasable area)	EXISTING PARKING	SURVEYED UTILIZED PARKING	ALLOCATED PARKING PROVIDED
240	25,174	31,628	126	101	n/a	71	100
250	28,028	34,566	138	112	n/a	64	110
260	16,714	20,164	82	67	n/a	52	70
302	23,327	27,722	108	93	n/a	37	100
proposed office	42,000	50,000	200	168	n/a	n/a	170
SUBTOTAL	135,443	164,080	654	541	369	224 max.	550
proposed restaurant	n/a	10,500 (400 seats)	80	n/a	n/a	n/a	100 (160)
theater	n/a	850 seats 5,500 retail	192	n/a	176	varies	202
TOTAL			926	813	545		852

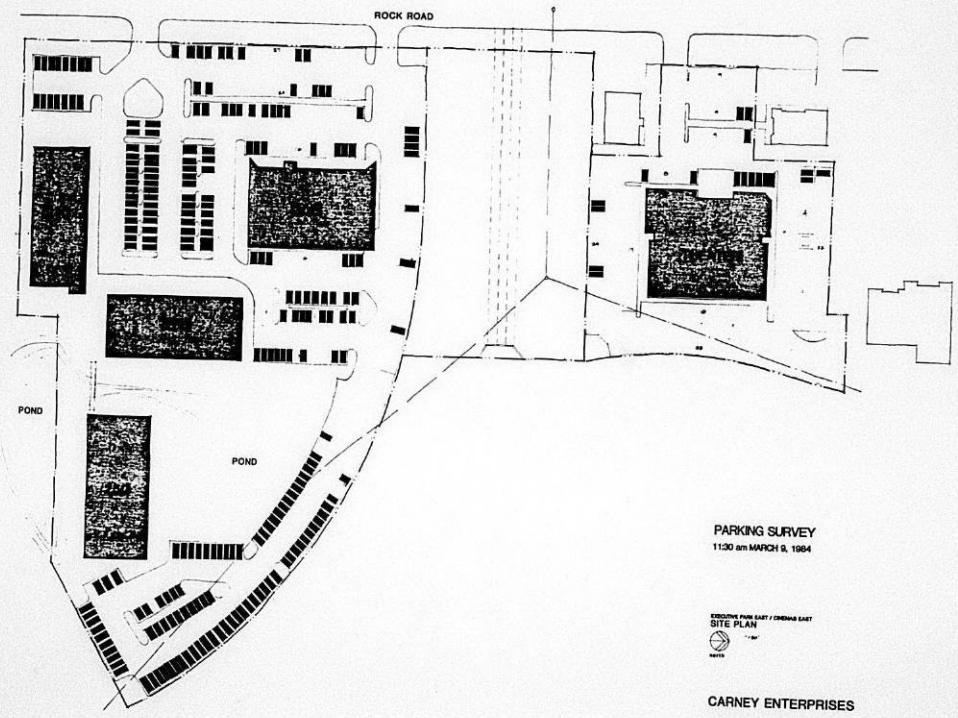


PARKING SURVEY
8:00am MARCH 9, 1964

EXISTING PARK LOTS / CONCRETE DRIVE
SITE PLAN
1" = 40'
N

CARNEY ENTERPRISES
DAVID A. HARRIS ARCHITECT
HOWARD HELMER PHILLIPS ENGINEERS, P.A.

EXHIBIT B1

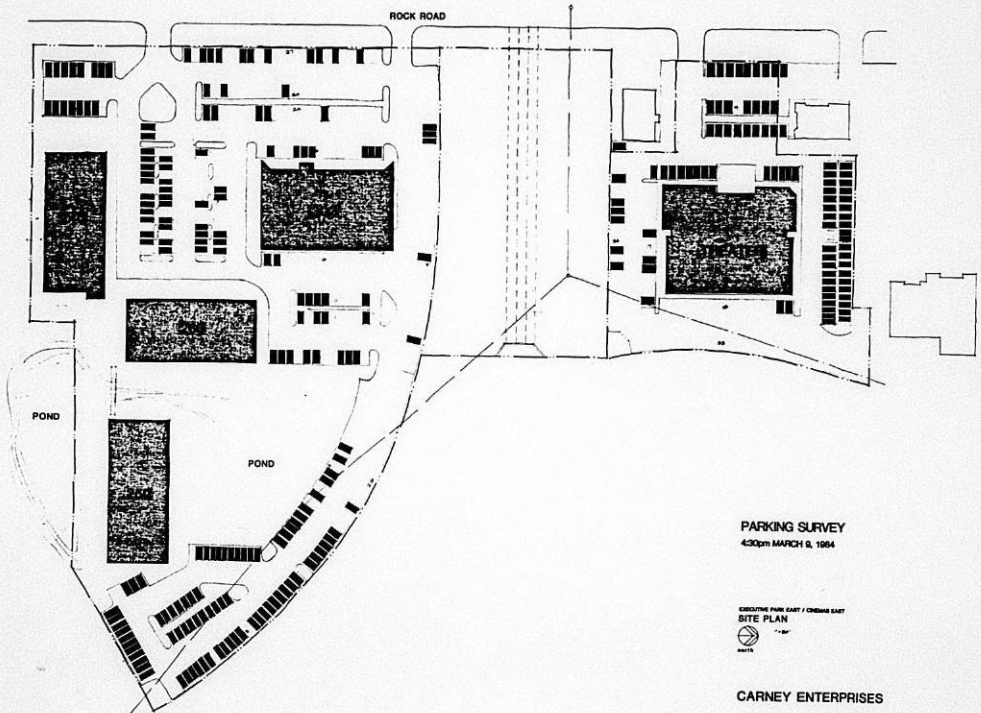


PARKING SURVEY
11:30 am MARCH 9, 1984

EXECUTIVE PLAN EAST / CHINA EAST
SITE PLAN
DATE

CARNEY ENTERPRISES
DAVID A. HANCOCK ARCHITECT
WYOMING BELLEVILLE PHILLIPS ARCHITECTS, P.A.

EXHIBIT B2



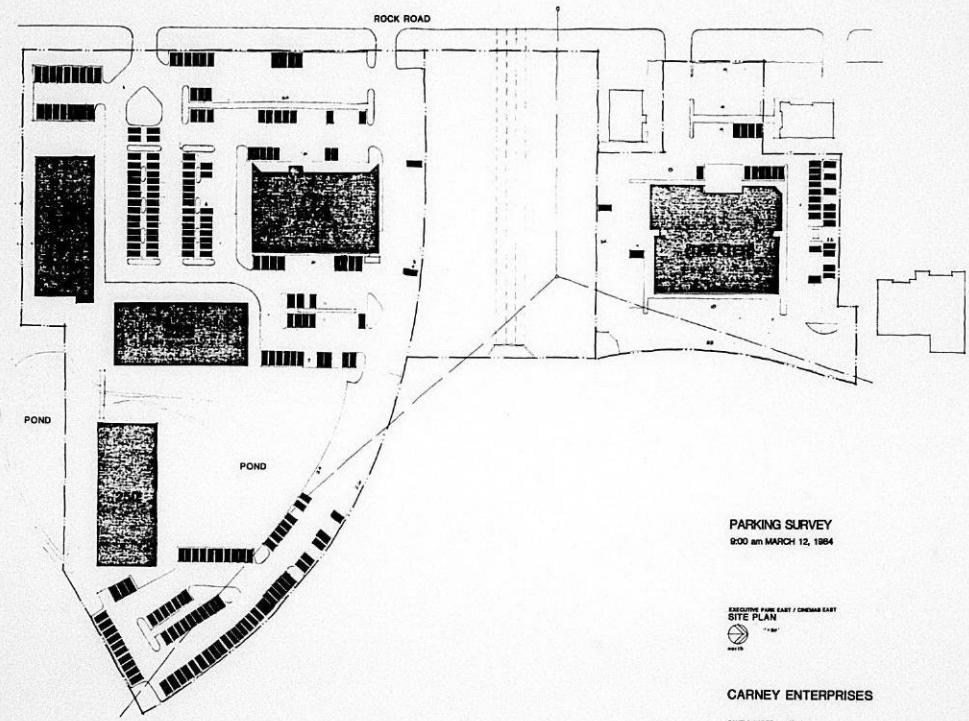
PARKING SURVEY
4:30pm MARCH 9, 1984

EXECUTIVE PARK LAYOUT / ORIGINAL LAYOUT
SITE PLAN
 NORTH

CARNEY ENTERPRISES

DAVID A. HANSEN ARCHITECT
HOWARD HILLIER PHILLIPS ARCHITECTS P.A.

EXHIBIT B3

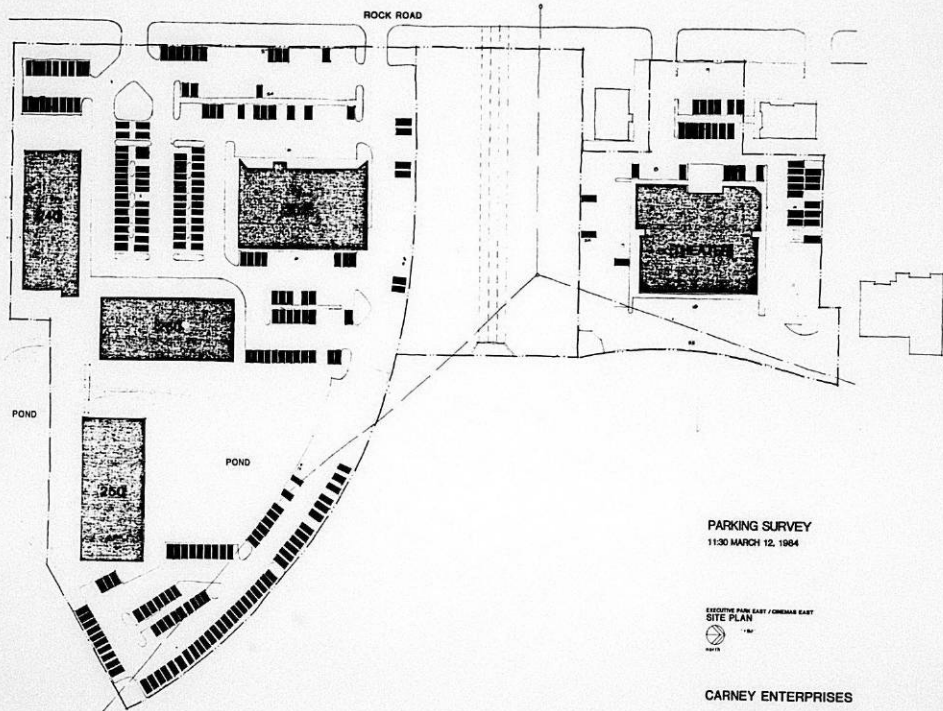


PARKING SURVEY
8:00 am MARCH 12, 1984

EXECUTIVE PARK EAST / CHINA EAST
SITE PLAN
1"=40'
DATE

CARNEY ENTERPRISES
DAVID A. HARRIS ARCHITECT
HOWARD HELLER PHILLIPS ARCHITECTS P.A.

EXHIBIT B4



PARKING SURVEY
11:30 MARCH 12, 1964

EXECUTIVE PARK EAST / CHINA EAST
SITE PLAN
1" = 100'
N

CARNEY ENTERPRISES

DAVID A. HANES SURVEYOR
HOWARD HELMER PHELPS SURVEYOR S.A.

EXHIBIT B5

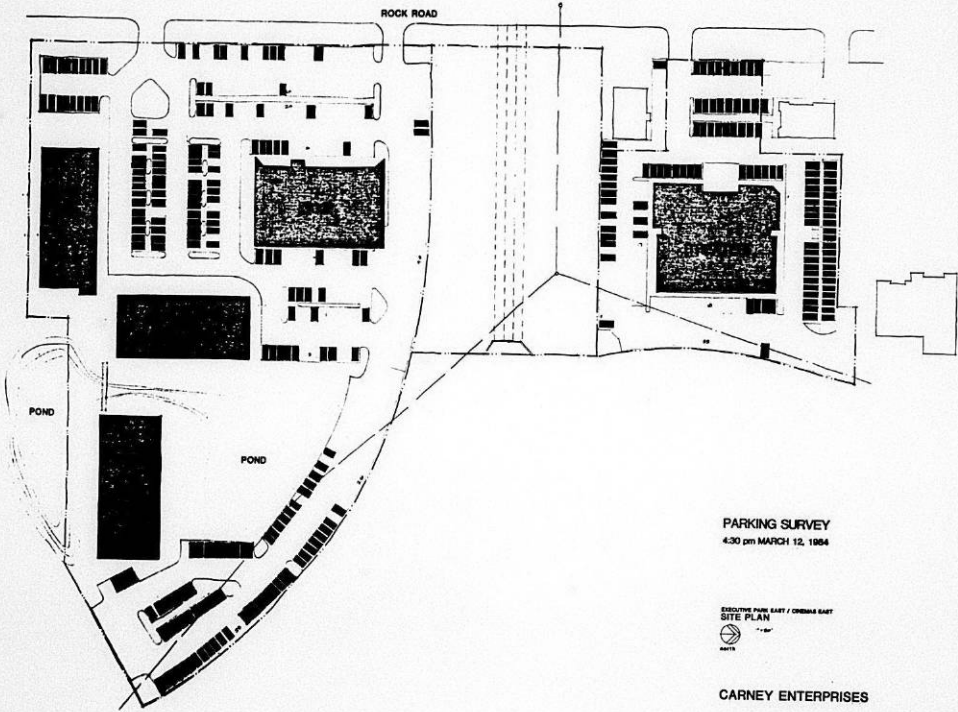


EXHIBIT B6



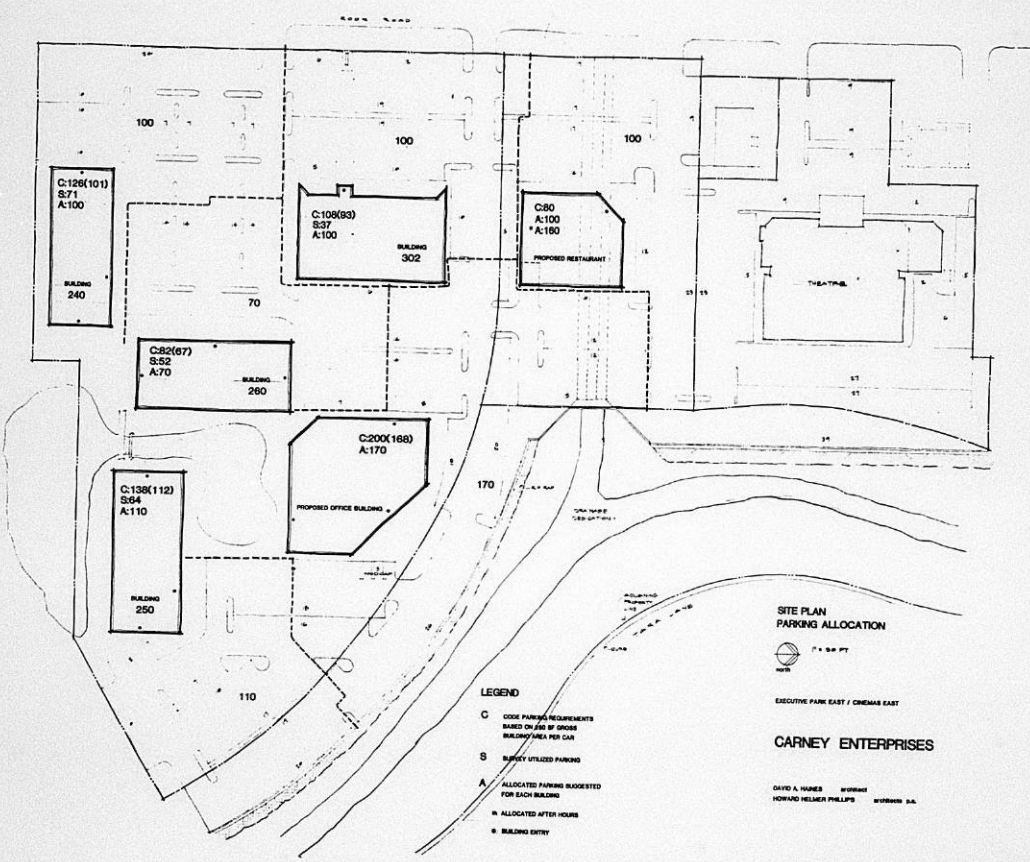
SITE PLAN



EXECUTIVE PARK EAST / CHINAS EAST

CARNEY ENTERPRISES

DAVID A. HANES ARCHITECT
HOWARD HELMER PHILLIPS ARCHITECTS P.A.



- LEGEND**
- C CODE PARKING REQUIREMENTS BASED ON 160 SF GROSS BUILDING AREA PER CAR
 - S MAXIMALLY UTILIZED PARKING
 - A ALLOCATED PARKING SUGGESTED FOR EACH BUILDING
 - H ALLOCATED AFTER HOURS
 - B BUILDING ENTRY

**SITE PLAN
PARKING ALLOCATION**



EXECUTIVE PARK EAST / CINEMAS EAST

CARNEY ENTERPRISES

DAVID A. HUNTER ARCHITECT
HOWARD HELMER PHILLIPS ENGINEERS P.A.

APPLICATION for PARKING VARIANCE

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Wichita, Kansas**

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Wichita, Kansas 67206**

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Howard Helmer Phillips Architects P.A.**

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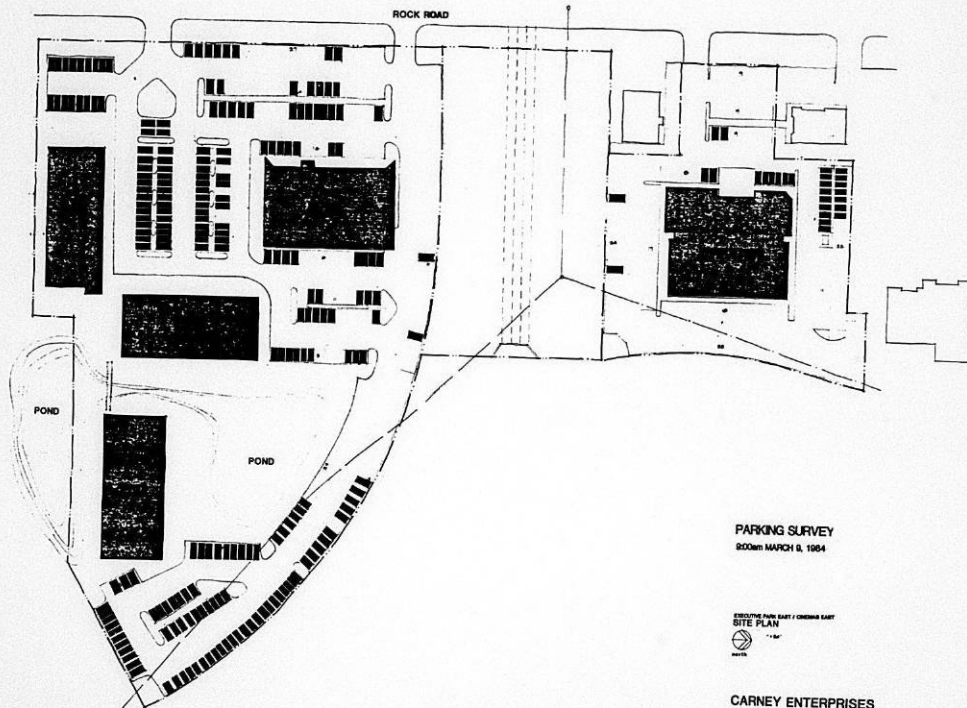
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theater	n/a	850 seats 5,500 retail	192	n/a	176	varies	202
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EXHIBIT A

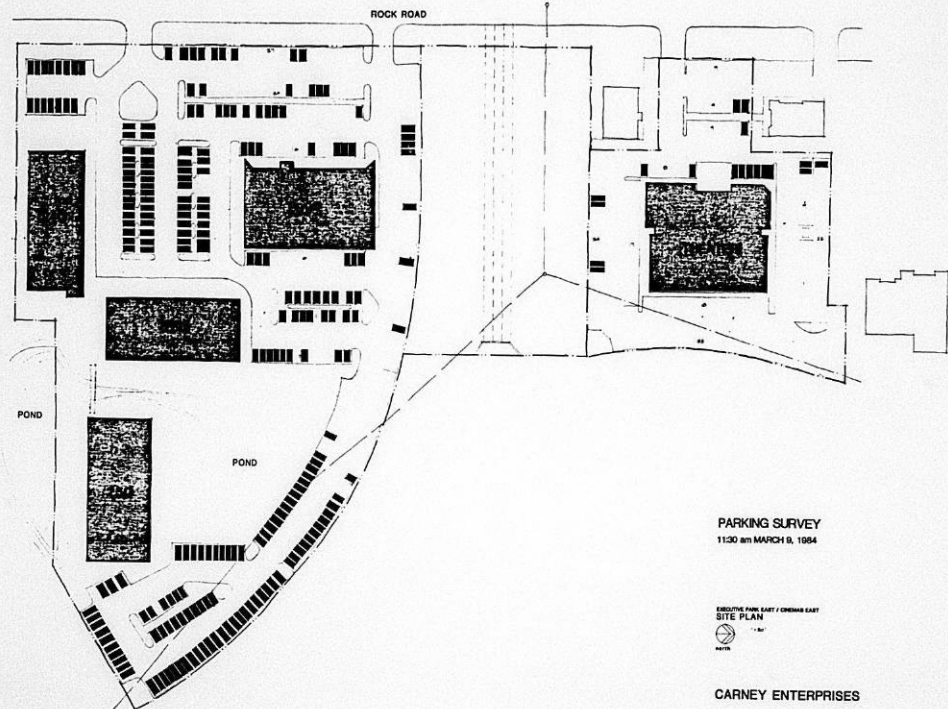


PARKING SURVEY
2000m MARCH 8, 1984

SECTIONAL PLANS / GENERAL EARTH
SITE PLAN
1" = 100'
N

CARNEY ENTERPRISES

DAVID A. HARRIS ARCHITECT
1000 W. HARRIS STREET, SUITE 100
DALLAS, TEXAS 75201

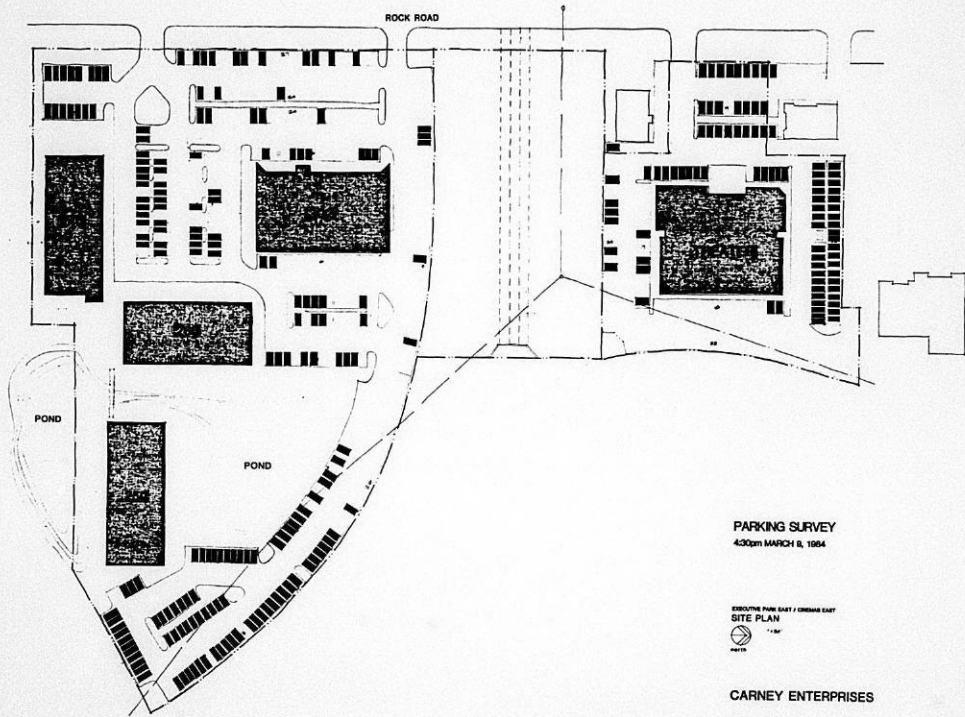


PARKING SURVEY
 1130 8TH MARCH 8, 1984

EXECUTIVE PARK EAST / CHERRY EAST
 SITE PLAN
 1" = 80'
 NORTH

CARNEY ENTERPRISES

DAVID J. WOODS ARCHITECT
 HOWARD HELLER PHILLIPS ARCHITECTS P.A.

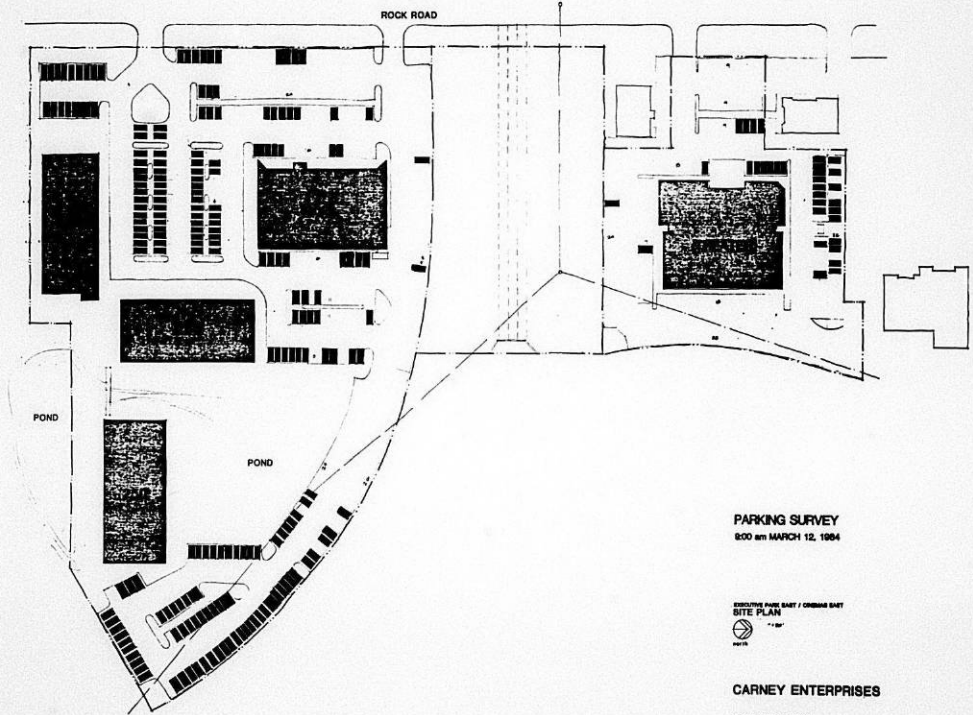


PARKING SURVEY
 430pm MARCH 8, 1964

EXISTING POND EXIST / CHINA EXIST
SITE PLAN
 1"=50'

CARNEY ENTERPRISES

CLAYTON A. HARRIS ARCHITECT
 HOWARD WELLSER PHILLIPS ARCHITECTS P.A.

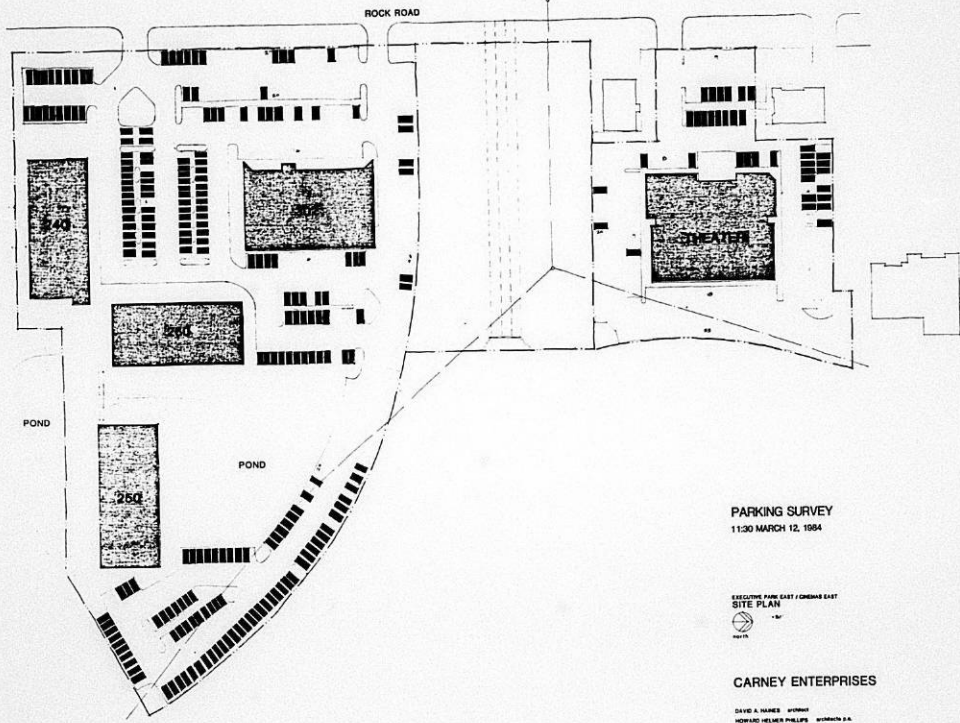


PARKING SURVEY
 800 sq. MARION 12, 1964

EXISTING PLANS, SURVEY / ORIGINAL SURVEY
SITE PLAN
 1" = 50'
 1964

CARNEY ENTERPRISES

DAVID A. HARRIS ARCHITECT
 HOWARD HUBER PHELPS ARCHITECTS, S.A.

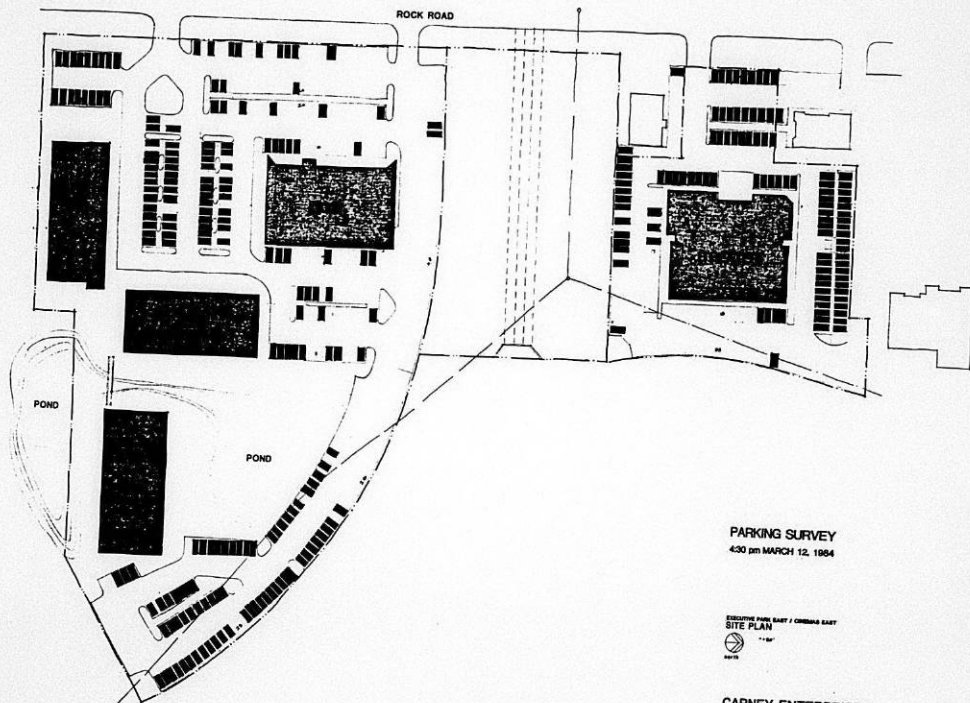


PARKING SURVEY
11:30 MARCH 12, 1984

EXECUTIVE PARK SURVEY / DYNAMIC SURVEY
SITE PLAN
1" = 100'
PAGE 15

CARNEY ENTERPRISES

DAVID A. HANES, ARCHITECT
HOWARD HELMER PHILLIPS, SURVEYOR S.A.

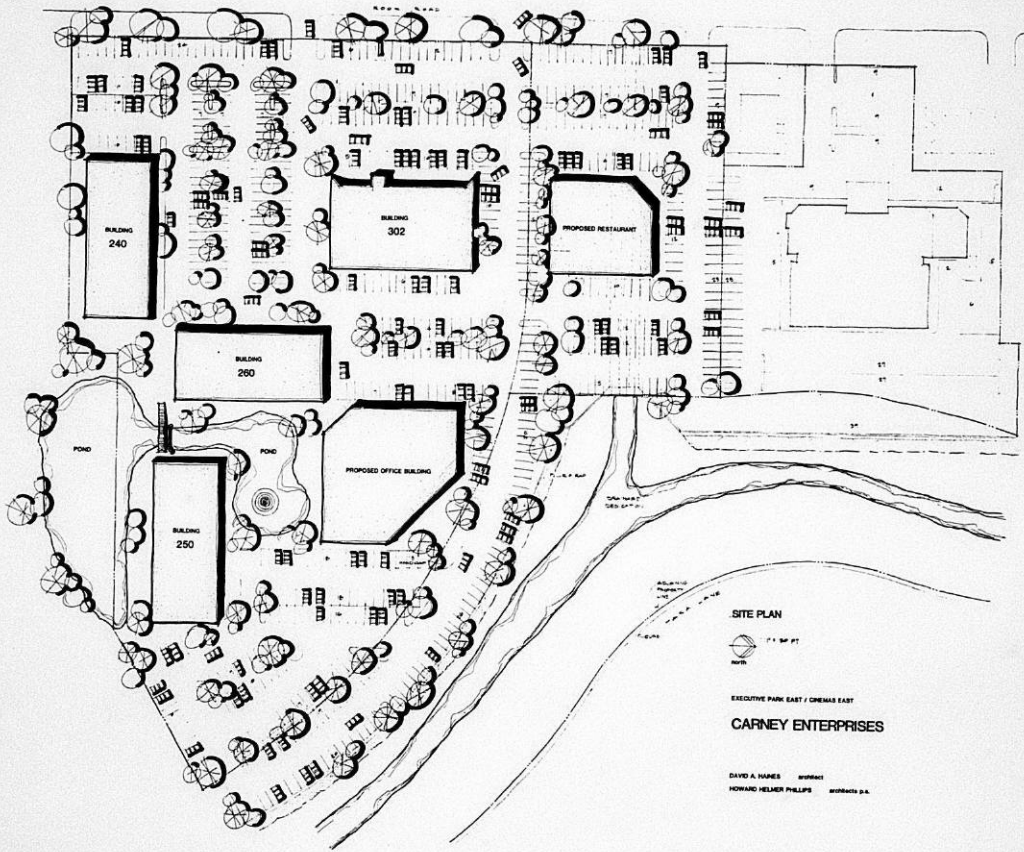


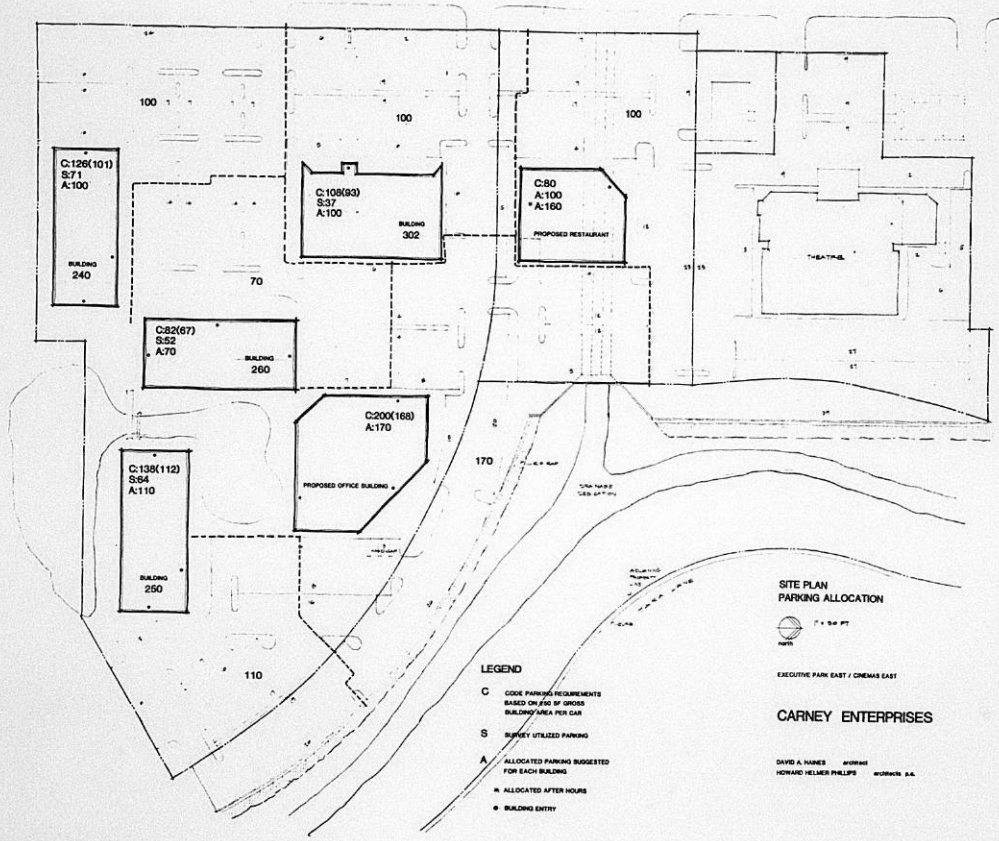
PARKING SURVEY
 4:30 pm MARCH 12, 1984

EXISTING AND PROPOSED
 SITE PLAN
 1"=50'

CARNEY ENTERPRISES

DAVID A. HARRIS ARCHITECT
 10000 WILSON PHILLIPS MEMPHIS, TN





- LEGEND**
- C CODE PARKING REQUIREMENTS BASED ON JACOBI SPACES BUILDING AREA PER CAR
 - S SUPPLY UTILIZED PARKING
 - A ALLOCATED PARKING SUGGESTED FOR EACH BUILDING
 - ALLOCATED AFTER HOURS
 - BUILDING ENTRY

**SITE PLAN
PARKING ALLOCATION**



EXECUTIVE PARK EAST / CINEMAS EAST

CARNEY ENTERPRISES

DAVID A. HANES ARCHITECT
HOWARD HELMER PHILLIPS WORKING S.A.

RESOLUTION NO. BZA 32-84

WHEREAS, Carney Enterprises, 302 North Rock Road, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 654 spaces to 550 spaces to permit the construction of an additional 50,000 square feet of office space on property zoned the "LC" Light Commercial, "BB" Office and the "AA" One-family Dwelling Districts and legally described as follows:

All of Lot 1, Block A, Rockborough Addition to Wichita, Sedgwick County, Kansas together with a 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described in a metes and bounds description as a; tract; BEGINNING at the southeast corner of Venture Park Addition; thence north along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less; and being vacated by Case No. V-1265. Generally located on the east side of Rock Road and south of Central (240 to 302 North Rock Road).

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 June 26, 1984, 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 to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is to be expanded as a multi-use office complex that will be occupied primarily with computer related offices that demand less off-street parking spaces than do general offices; and

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 inasmuch as the applicant owns the property to the north and is proposing to increase the parking on that property, and the access to the residential development to the east is protected by the drainageway; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the parking requirement does not take into consideration the peak demand for a mixture of uses on a property; and

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 due to the fact that the reduction of the required parking spaces will not interfere with any right-of-way or easements; and

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 Title 28 (Zoning Ordinance) inasmuch as surveyed utilization of the existing parking spaces by the existing uses will remain basically constant, and the new space will be primarily computer oriented offices; and

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.

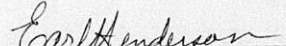
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 654 spaces to 550 spaces to permit the construction of an additional 50,000 square feet of office space on property zoned the "LC" Light Commercial, "BB" Office and the "AA" One-family Dwelling Districts and legally described as follows:

All of Lot 1, Block A, Rockborough Addition to Wichita, Sedgwick County, Kansas together with a 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described in a metes and bounds description as a tract; BEGINNING at the southeast corner of Venture Park Addition; thence north along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less; and being vacated by Case No. V-1265. Generally located on the east side of Rock Road and south of Central (240 to 302 North Rock Road).

be approved subject to the following conditions:

1. Under no circumstances shall any of the area in the buildings be used for restaurants, private clubs, theaters, taverns or public assembly purposes. Provided however, public assembly areas deemed to be accessory areas to uses established on the property, will be permitted.
2. Under no circumstance shall any use be permitted on the property that is required by ordinance to provide more than one off-street parking space for each 250 square feet of floor area.
3. Any expansion of the "LC" Light Commercial District on the property shall null and void this resolution.
4. Prior to the release of this Resolution authorizing the issuance of any building permits for the construction of additional floor area, the completion of the vacation of that portion of the drainageway must be completed and Resolution BZA 31-84 shall also be released.
5. Should at any time the Superintendent of Central Inspection deem that the number of off-street parking spaces be inadequate to accommodate the uses on the site, he shall notify the Board of the conditions, and the Board may take the necessary steps to modify the conditions of approval.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

RESOLUTION NO. BZA 32-84

WHEREAS, Carney Enterprises, 302 North Rock Road, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 654 spaces to 550 spaces to permit the construction of an additional 50,000 square feet of office space on property zoned the "LC" Light Commercial, "BB" Office and the "AA" One-family Dwelling Districts and legally described as follows:

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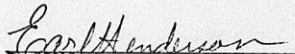
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2. Under no circumstance shall any use be permitted on the property that is required by ordinance to provide more than one off-street parking space for each 250 square feet of floor area.
3. Any expansion of the "LC" Light Commercial District on the property shall null and void this resolution.
4. Prior to the release of this Resolution authorizing the issuance of any building permits for the construction of additional floor area, the completion of the vacation of that portion of the drainageway must be completed and Resolution BZA 31-84 shall also be released.
5. Should at any time the Superintendent of Central Inspection deem that the number of off-street parking spaces be inadequate to accommodate the uses on the site, he shall notify the Board of the conditions, and the Board may take the necessary steps to modify the conditions of approval.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

RESOLUTION NO. BZA 32-84

WHEREAS, Carney Enterprises, 302 North Rock Road, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 654 spaces to 550 spaces to permit the construction of an additional 50,000 square feet of office space on property zoned the "LC" Light Commercial, "BB" Office and the "AA" One-family Dwelling Districts and legally described as follows:

All of Lot 1, Block A, Rockborough Addition to Wichita, Sedgwick County, Kansas together with a 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described in a metes and bounds description as a tract; BEGINNING at the southeast corner of Venture Park Addition; thence north along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less; and being vacated by Case No. V-1265. Generally located on the east side of Rock Road and south of Central (240 to 302 North Rock Road).

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 June 26, 1984, 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 to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is to be expanded as a multi-use office complex that will be occupied primarily with computer related offices that demand less off-street parking spaces than do general offices; and

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 inasmuch as the applicant owns the property to the north and is proposing to increase the parking on that property, and the access to the residential development to the east is protected by the drainageway; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the parking requirement does not take into consideration the peak demand for a mixture of uses on a property; and

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 due to the fact that the reduction of the required parking spaces will not interfere with any right-of-way or easements; and

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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.

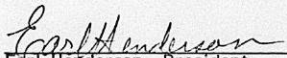
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2. Under no circumstance shall any use be permitted on the property that is required by ordinance to provide more than one off-street parking space for each 250 square feet of floor area.
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ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

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WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant, inasmuch as the property is to be expanded as a multi-use office complex that will be occupied primarily with computer related offices that demand less off-street parking spaces than do general offices; and

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 inasmuch as the applicant owns the property to the north and is proposing to increase the parking on that property, and the access to the residential development to the east is protected by the drainageway; and

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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.

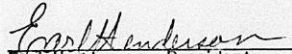
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ATTEST:


Glen E. Lytle, Assistant Secretary

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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 inasmuch as the applicant owns the property to the north and is proposing to increase the parking on that property, and the access to the residential development to the east is protected by the drainageway; and

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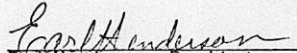
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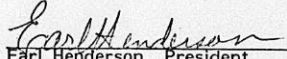
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3. Any expansion of the "LC" Light Commercial District on the property shall null and void this resolution.
4. Prior to the release of this Resolution authorizing the issuance of any building permits for the construction of additional floor area, the completion of the vacation of that portion of the drainageway must be completed and Resolution BZA 31-84 shall also be released.
5. Should at any time the Superintendent of Central Inspection deem that the number of off-street parking spaces be inadequate to accommodate the uses on the site, he shall notify the Board of the conditions, and the Board may take the necessary steps to modify the conditions of approval.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

February 5, 1986

Carney Enterprises
302 North Rock Road
Wichita, Kansas 67206

RE: BZA 31-84 (Exception for parking)
BZA 32-84 (Variance in number of required off-street parking spaces)

Gentlemen:

On June 27, 1984 you were advised by letter of the action taken by the Board of Zoning Appeals on the two applications filed on your behalf by your architect David Haines. These applications were: (1) BZA 31-84 - Request for an exception to permit an area in the "AA" One-family Dwelling District to be utilized for off-street parking; and (2) BZA 32-84 - Request to vary the number of off-street parking spaces to permit the development of additional office space on Lot 1, Block A, Rockborough Addition (generally located on the east side of the 300 block of North Rock Road).

Before the Resolution for BZA 31-84 was to be released, a site development plan showing the wall and landscaping materials was to be submitted for approval. To this date such a plan has not been received. In addition to this requirement, these improvements to the property were to be completed within 12 months from the date of the action by the Board.

The recent application to temporarily rededicate the drainageway precludes any opportunity to complete the improvements in the near future. Since BZA 31-84 has not been released and the improvements have not been commenced, the action taken by the Board on this case becomes null and void. BZA 32-84 is subject to the release and completion of BZA 31-84 which would permit the installation of the parking.

Rather than voiding Resolution BZA 32-84, I will hold this case in abeyance until you have determined your actual time table for the installation of the improvements as proposed. At such time that you can make a commitment to complete the improvements of the parking area within 12 months, it would then be appropriate for you to refile the request for the off-street parking exception.

Carney Enterprises
February 5, 1986
Page 2

If you have any questions on this matter, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary, Board of Zoning
Appeals

GEL/lw

cc: David Haines, 260 N. Rock Road, Wichita, KS 67206
M.S. Mitchell, 1215 Forest, Wichita, KS 67203
Monty Robson, Superintendent of Central Inspection
Don Gisick, City Clerk

June 27, 1984

Carney Enterprises
302 North Rock Road
Wichita, Ks. 67206

Re: BZA 32-84 - Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on June 26, 1984, your request for a variance was considered. It was the action of the Board to approve the request subject to the following conditions:

1. Under no circumstances shall any of the area in the buildings be used for restaurants, private clubs, theaters, taverns or public assembly purposes. Provided however, public assembly areas deemed to be accessory areas to uses established on the property, will be permitted.
2. Under no circumstance shall any use be permitted on the property that is required by ordinance to provide more than one off-street parking space for each 250 square feet of floor area.
3. Any expansion of the "LC" Light Commercial District on the property shall null and void this resolution.
4. Prior to the release of this Resolution authorizing the issuance of any building permits for the construction of additional floor area, the completion of the vacation of that portion of the drainageway must be completed and Resolution BZA 31-84 shall also be released.
5. Should at any time the Superintendent of Central Inspection deem that the number of off-street parking spaces be inadequate to accommodate the uses on the site, he shall notify the Board of the conditions, and the Board may take the necessary steps to modify the conditions of approval.

As you will note, the resolution authorizing this variance is subject to the completion and release of Resolution BZA 31-84 which is contingent upon the completion of the vacation case and landscape plan approval.

If you have any questions, please give me a call at 268-4421.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: David A. Haines, 260 N. Rock Road, Wichita 67206
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE June 21, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 32-84 Generally located on
the east side of Rock Road and
south of Central (240 to 302
North Rock Road)

On Monday, June 18, CPO Council "H" considered the above captioned case.

The Council voted 5-0 to recommend approval of the request, subject to conditions in the Secretary's report.

David Haines, Ken Helmer, and Byron Wiley were present to discuss this case with the Council. There were no area residents present.

Please present the Council's recommendations to the BZA when it meets to consider this case.

Cindy Entriiken
Cindy Entriiken
Administrative Aide III

CE:sm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 32-84

APPLICANT: Carney Enterprises, 302 North Rock Road, Wichita, Kansas.

AGENT: David A. Haines, 260 North Rock Road, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking from 654 spaces to 550 spaces.

GENERAL LOCATION: On the east side of Rock Road and south of Central.

ZONING: Subject property is zoned the "BB" Office, the "LC" Light Commercial and the "AA" One-family Dwelling Districts. Property to the south is "B" Multiple-family, to the north "LC", to the east and west is "AA" One-family Dwelling District.

LAND USE: Subject property is occupied by an office park development with some retail shops. To the north is commercial development and to the south apartments. To the east and west are one-family dwellings.

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 required number of off-street parking spaces from 654 spaces to 550 spaces in order to construct a new 50,000 square foot office building on the property. As indicated in the material submitted with the application, the parking requirement of the zoning ordinance requires one off-street parking space for each 250 square feet of gross floor area for commercial and offices (excluding medical and dental offices which is based on square footage and employees).

The applicant's agent has indicated that, over the past several weeks, parking surveys have been made of the utilization of the existing 269 off-street parking spaces provided for the office complex. Of the total number of existing spaces, the maximum surveyed utilization was 244 spaces. This would indicate that adequate parking is being provided for the present usage of the structures even though the number of existing spaces are not in compliance with the zoning regulations, providing the buildings are 100% occupied.

The applicant states that the present building design provides for about an upper 70% net leaseable area to gross building area, compared to new structures that would approach an 85% useable area. If these figures are correct, it would appear that to provide off-street parking at one space for each 250 square feet of gross floor area of a project is possibly excessive for general office development. However, there are numerous types of offices, depending on operations that would demand more than the minimum number of spaces required by the ordinance.

In this case, the buildings are possibly inefficiently designed for the present uses and therefore requires less parking per gross square feet. However, should the uses change, the demand may increase and the owners will be hard pressed to secure additional parking with the site completely surrounded by existing uses, some of which need additional parking now.

It is difficult to find any uniqueness to the property other than the applicant's statements that the present buildings are not efficiently designed for maximum utilization, and the fact that many of the occupants are computer related and do not have the number of employees generally found in a group of other types of offices.

Should the requested variance be granted, some provision should be made to assure that any changes in the offices that would create a parking shortage, that additional parking would be provided by some means.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to justify any uniqueness to the property itself and that any uniqueness is related only to the use of the property which is subject to change. As in other instances where offices have been located near the Central Business District and public transportation, this type of uniqueness is not predominant to this property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the applicant owns the property to the north and is proposing to increase the availability of parking by the construction over the drainageway which will allow better utilization of the total parking spaces on the property. Also, the access to the residential neighborhood to the east is completely protected by the drainageway.

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 parking requirement does not consider the peak demand of a mixture of uses on a property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance will not adversely affect the public interest inasmuch as the reduction of the required parking spaces will not interfere with any street right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance provided the applicant's surveyed utilization of the parking spaces will remain effectively constant once the new building is constructed.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to find all five conditions necessary to the granting of variance to exist. However, should the Board determine that all five conditions exist, then it is recommended that any approval be subject to the following conditions:

1. Under no circumstances shall any of the area in the buildings be used for restaurants, private clubs, theaters, taverns or public assembly purposes. Provided however, public assembly areas deemed to be accessory areas to uses established on the property, will be permitted.
2. Under no circumstance shall any use be permitted on the property that is required by ordinance to provide more than one off-street parking space for each 250 square feet of floor area.
3. Any expansion of the "LC" Light Commercial District on the property shall null and void this resolution.

4. Prior to the release of this Resolution authorizing the issuance of any building permits for the construction of additional floor area, the completion of the vacation of that portion of the drainageway must be completed and Resolution BZA 31-84 shall also be released.
5. Should at any time the Superintendent of Central Inspection deem that the number of off-street parking spaces be inadequate to accommodate the uses on the site, he shall notify the Board of the conditions, and the Board may take the necessary steps to modify the conditions of approval.

BZA CASE NO. 3284

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>16</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>19</u>	TOTAL NOTICES SENT <u>6-6-84</u>

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

June 6, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 32-84

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 Carney Enterprises, 302 North Rock Road, Wichita, Kansas, 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 654 spaces to 550 spaces on property zoned "LC" Light Commercial, "BB" Office and the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

All of Lot 1, Block A, Rockborough Addition to Wichita, Sedgwick County, Kansas together with a 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described in a metes and bounds description as a tract; BEGINNING at the southeast corner of Venture Park Addition; thence north along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less; and being vacated by Case No. V-1265. Generally located on the east side of Rock Road and south of Central (240 to 302 North Rock Road).

This application has been assigned Case BZA 32-84. It will be considered by the Board of Zoning Appeals on June 26, 1984 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 32-84

CITY OF WICHITA, KANSAS

FILED 5-25-84

APPLICATION FOR VARIANCE

I. Name of Applicant Carney Enterprises
Mailing Address 302 N. Rock Road Phone 683-4624
Name of Authorized Agent David A. Haines, Architect and
Howard Helmer Phillips Architects P.A.
Mailing Address 260 N. Rock Road, #190 Phone 688-0149
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce ordinance required
parking from 654 spaces to 550 spaces on subject
property.
for property located 240-302 North Rock Road, Wichita,
Kansas 67206
and legally described as: All of Lot 1 Block A, Rockborough
Addition, Wichita, Sedgwick County, Kansas together with
vacated drainage easement on north. See attached
legal descriptions for more information.

in the City of Wichita; and which is presently zoned LC/BB.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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. 36-596); and that the appropriate fee is herewith tendered;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

CARNEY ENTERPRISES

Applicant David A. Haines, Architect

DAVID A. HAINES, ARCHITECT

Authorized Agent David A. Haines

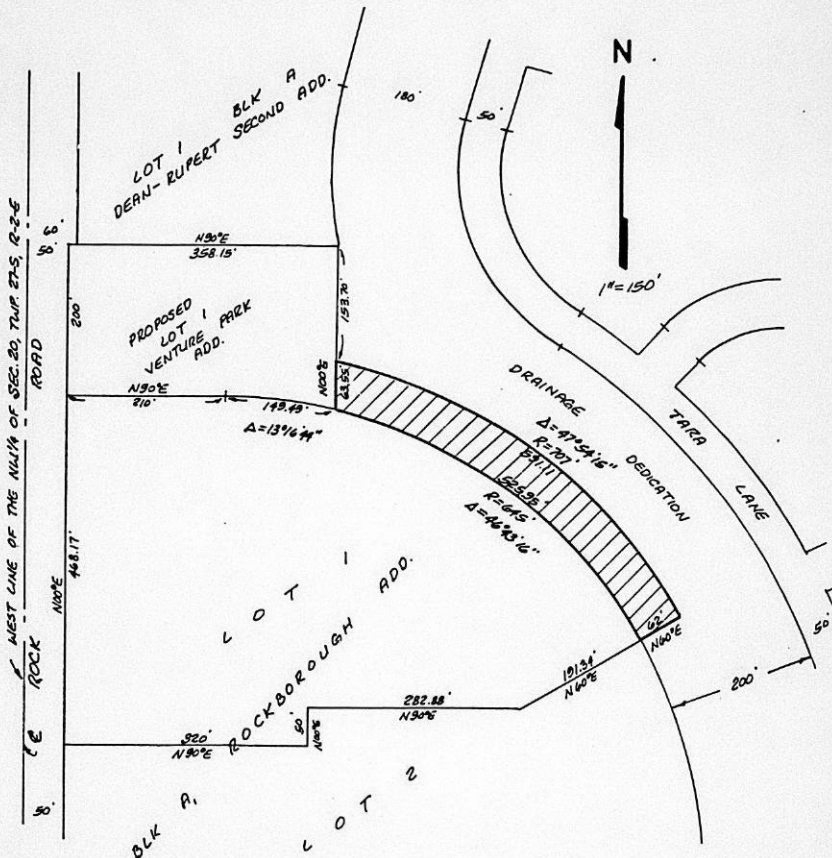
OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
3:00 p.m.), MAY 25, 1984 together with
appropriate fee of 150.00.

Signed [Signature]

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316 262-7271 • 330 LAURA • WICHITA, KANSAS 67211



"EXHIBIT"
34,629,604 Sq. Ft.
0.794 Acres

27 APR 84

EXHIBIT A1

EXHIBIT

METES AND BOUNDS DESCRIPTION
PORTION OF DRAINAGE DEDICATION IN BROOKHOLLOW ADDITION

A 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described as follows: BEGINNING at the southeast corner of Venture Park Addition; thence NORTH along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less.

EXHIBIT A2

Venture Park Addition

Part of the northwest quarter of Section 20, Township 27-S,
R-2-E of the 6th P.M., Sedgwick County, Kansas.

EXHIBIT A3



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

All of Lot 1 Block A, Rockborough Addition together with all of the vacated drainage dedication adjoining on the North.
AND
A 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described as follows: BEGINNING at the southeast corner of Venture Park Addition; thence NORTH along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

Lot 1 Block A, Rockborough Add together with Vac Drainage on N.

✓ Frank L. Carney
260 N. Rock Road 67206

Lot 2 Block A, Rockborough Add.

✓ Windsor at Rockborough Inc.
240 N. Rock Road 67206

The South 280.13 Feet of Lot 1 Rockwood 11th Add.

✓ Fidelity Title Company Inc.
Trustee
221 N. Market 67202

South 80 Feet of the West 117 Feet of Lot 1 Block A, Dean Ruppert Second Addition.

✓ Lindy Andeel
Stanley Andeel
5900 E. Central Suite 201
67208

South 210 feet M/L of Lot 1 Block A, Dean Ruppert 2nd Add Exc'd S 80' of W 117'

✓ D Frank L. Carney
260 N. Rock Road 67206

Lot 7 Block 3, Rockwood 6th Add.

✓ Paul O. Pendleton
Mary M. Pendleton
7824 Pagent Lane 67206



Lot 8 Block 3, Rockwood 6th Add.	✓ Maurice E. Johnson Betty J. Johnson 7830 Pagent Lane 67206
Lot 9 Block 3, " "	✓ Jim L. Shadid Joyce A. Shadid 7838 Pagent Lane 67206
Lot 1 Block 4, " "	Harold Bager LaVerna Bager (Unknown)
Lot 2, Block 4 " "	✓ William J. Ervin Mary L. Ervin 236 Live Oak Lane 67206
Lot 3, Block 4, " "	✓ Thorn Walker Longworth Martha Sue Longworth 228 Live Oak Lane 67206
Lot 1, Block 1, BROOKHOLLOW 3RD ADDITION,	✓ Angello & Anna Fasciano 8225 Overbrook Wichita, Kansas 67206
Lot 12, Block 1, BROOKHOLLOW 3RD ADDITION,	✓ Joseph & Albina Graf 8230 Stoneridge Wichita, Kansas 67206
Lot 1, Block 2, BROOKHOLLOW 3RD ADDITION,	✓ Kenneth R. & E. Jean Wilkerson ^{7809 Clay} 8445 Stoneridge ⁶⁷²⁰⁷ Wichita, Kansas 67206 <i>Obtained 6-14-84</i>
Lot 21, Block 2, BROOKHOLLOW 2ND ADDITION,	✓ E. A. & Celia M. Thompso. 8201 Brentmoor ^{returned 6-11-84} Wichita, Kansas, 67206 <i>641 N. Woodlawn, Apt. 18</i>
Lot 1, Block 1, BROOKHOLLOW 2ND ADDITION,	✓ John C. & Carol S. Malon 312 Tera Lane Wichita, Kansas 67206
Lot 17, Block 1, BROOKHOLLOW 2ND ADDITION,	✓ Isa O. & Atsuko Sugiura 304 Tera Lane Wichita, Kansas 67206
Lot 18, Block 1, BROOKHOLLOW 2ND ADDITION,	✓ Charles S. & Emma Jean Evenson 250 N. Rock Road, Suite 365 Wichita, Kansas 67206

Dated at Wichita, Kansas , this 18th day of April, 1984 at
7:00 A.M.

FIDELITY TITLE COMPANY, INC.
Medina A. Sutter
By
Assistant Secretary

Tracer No. 65791

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 21

PAYMENT NOTICE
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT
CPY FOR VAL.	150.00

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____