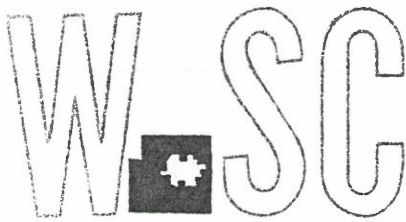


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

December 29, 1998

Midtown Community Resource
c/o Gina McKee
HIP Complex
1243 N. Market
Wichita KS 67214


RE: BZA 24-98 - Variance to decrease the required off-street parking from 200 spaces to 73 spaces, currently zoned "LC" Limited Commercial and generally located at the southeast corner of 11th Street North and Broadway (1150 N Broadway).

Dear Ms. McKee:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 18, 1998. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,


David L. Yearout
Board of Zoning Appeals

DLY/rs

cc: Schaefer Johnson Cox Frey, c/o Gary Holler, 220 S. Hillside, Wichita KS 67211
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)

BZA RESOLUTION NO. 24-98

WHEREAS, Via Christi Regional Medical Center, Midtown Community Resource, c/o Gina McKee, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to decrease the required off-street parking from 200 spaces to 73 spaces on property zoned "LC" Limited Commercial and legally described as follows:

Even Lots 232 thru 248 inclusive on Lawrence Avenue (now Broadway), together with ½ of the vacated alley accruing on the East, and Odd Lots 231 thru 245 inclusive, and Lot 247, exc. For the North 5 feet thereof, all on Topeka Avenue, together with ½ of the vacated alley accruing on the West, Stafford And Wright's Addition to Wichita in Sedgwick County, Kansas. Generally located on the southeast corner of 11th and Broadway (1150 N. Broadway).

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 December 15, 1998, 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 owners or the applicant inasmuch as it is a community facility in the inner city area and is being located in a building that was formerly a small, neighborhood-sized, grocery store. With the built up area surrounding the property, the opportunity for providing additional off-street parking is very limited.

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 use itself is designed to serve the neighborhood in general, which should help support the nearby business uses. Many of the services to be provided are targeted to the nearby residents, which results in little or no negative impact. Additionally, many of the people within the neighborhood lack private vehicles of their own, so there is a reduced demand for available parking in the area.

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 inasmuch as the higher number of off-street parking spaces is virtually impossible to provide and the agreements with the adjoining landowners for additional parking should accommodate the parking demands for this usage.

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, inasmuch as this is a use intended to serve the neighborhood and general public and restricting the usage of the building to a lower number based on the parking available would not permit the building to be utilized to its fullest.

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 inasmuch as the use proposed serves a real need in the community and the standards within the zoning regulations were not designed with a retrofit of an existing building in the inner city in mind.

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 be approved for a variance to decrease the required off-street parking from 200 spaces to 73 spaces on property zoned the "LC" Limited Commercial and legally described as follows:

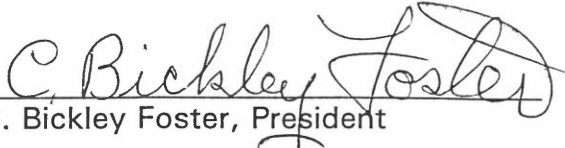
Even Lots 232 thru 248 inclusive on Lawrence Avenue (now Broadway), together with ½ of the vacated alley accruing on the East, and Odd Lots 231 thru 245 inclusive, and Lot 247, exc. For the North 5 feet thereof, all on Topeka Avenue, together with ½ of the vacated alley accruing on the West, Stafford And Wright's Addition to Wichita in Sedgwick County, Kansas. Generally located on the southeast corner of 11th and Broadway (1150 N. Broadway).

subject to the following conditions:

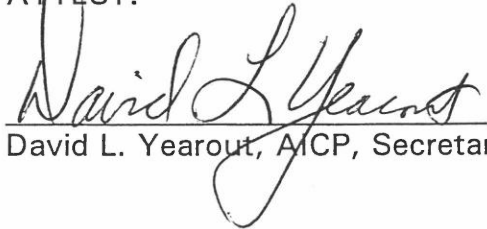
1. The site shall be developed and required to comply with all building, zoning and landscaping code requirements, except that the required off-street parking provided on site shall be reduced to 73 spaces.

2. The applicant shall submit to the Office of Central Inspection copies of the written agreements with Dyne-Quik and the University of Kansas School of Medicine for the usage of the parking at both those facilities.
3. 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 15th day of December, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, AICP, Secretary