CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 2, 2009

Patriot Properties
10907 W Harvest Lane
Wichita, KS 67212

Ruggles and Bohm, P.A. c/o William Clevenger, L.S.
924 N Main
Wichita, KS 67203

RE: BZA2009-11 and ZON200942 - City zoning administrative adjustment to reduce the front setback from 20 feet to 16 feet, and adjustment to PO#132 to waive landscaping and screen wall requirements in LC Limited Commercial zoning, generally located north of Pawnee and east of Webb Road (S Goebel Circle).

Legal Description: Lot 1, Block 1, Brent Southwood 3rd Addition to Wichita, Sedgwick County, Kansas.

Dear Applicant:

We have reviewed your request for a Zoning Adjustment to reduce the front setback by 20% and an adjustment to PO#132 to waive landscaping and screen wall requirements for a duplex development in LC zoning. From reviewing your application, we understand that you propose to construct 16 duplex buildings on the subject property with a minimum 16-foot front setback. And, as this is a residential development within a PO which anticipated commercial development, you wish to eliminate the PO#132 screen wall and landscape plan requirements.

Section V-I.2.a of the Unified Zoning Code allows an adjustment to reduce the front setback by up to 20%. Also, the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to Protective Overlay Districts provided that the adjustment is consistent with Sec. V-I.6. of the Unified Zoning Code. We find that the setback reduction and PO#132 adjustment as proposed meets the four conditions required by the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed adjustments should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity, as no right of way is affected.
2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the adjustments. The proposed residential land use is less intense that the originally anticipated commercial use; mitigating landscaping should make this development compatible with residences to the north and east.
3) Compatibility with existing or permitted uses on abutting sites: The proposed duplexes will comply with all other development standards. The setback reduction and PO adjustments should not make the proposed development incompatible with the existing and permitted uses on abutting sites.
4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should be no negative impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the front setback from 20 to 16 feet, and an adjustment to PO#132 to waive landscape plan and screen wall requirements are hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.
2) The site shall be developed in conformance with all applicable codes, including but not limited to zoning, landscape, building, fire, and health codes.
3) The setback reduction shall apply only to the front setbacks as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
4) The site shall be developed with a 15-foot-wide landscape buffer adjacent to Lots 10 and 11, Block A, Brentwood South 2nd Addition within the platted 30-foot drainage and utility easement. This landscape buffer shall consist of one tree and five shrubs every 30 lineal feet. The existing tree row on the east boundary of the site to shall be maintained as the landscape buffer to the east. Landscape buffers shall be in place before occupancy permits are granted on the site.
5) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment or PO#132 Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Zoning Adjustment and PO#132 Adjustment null and void.

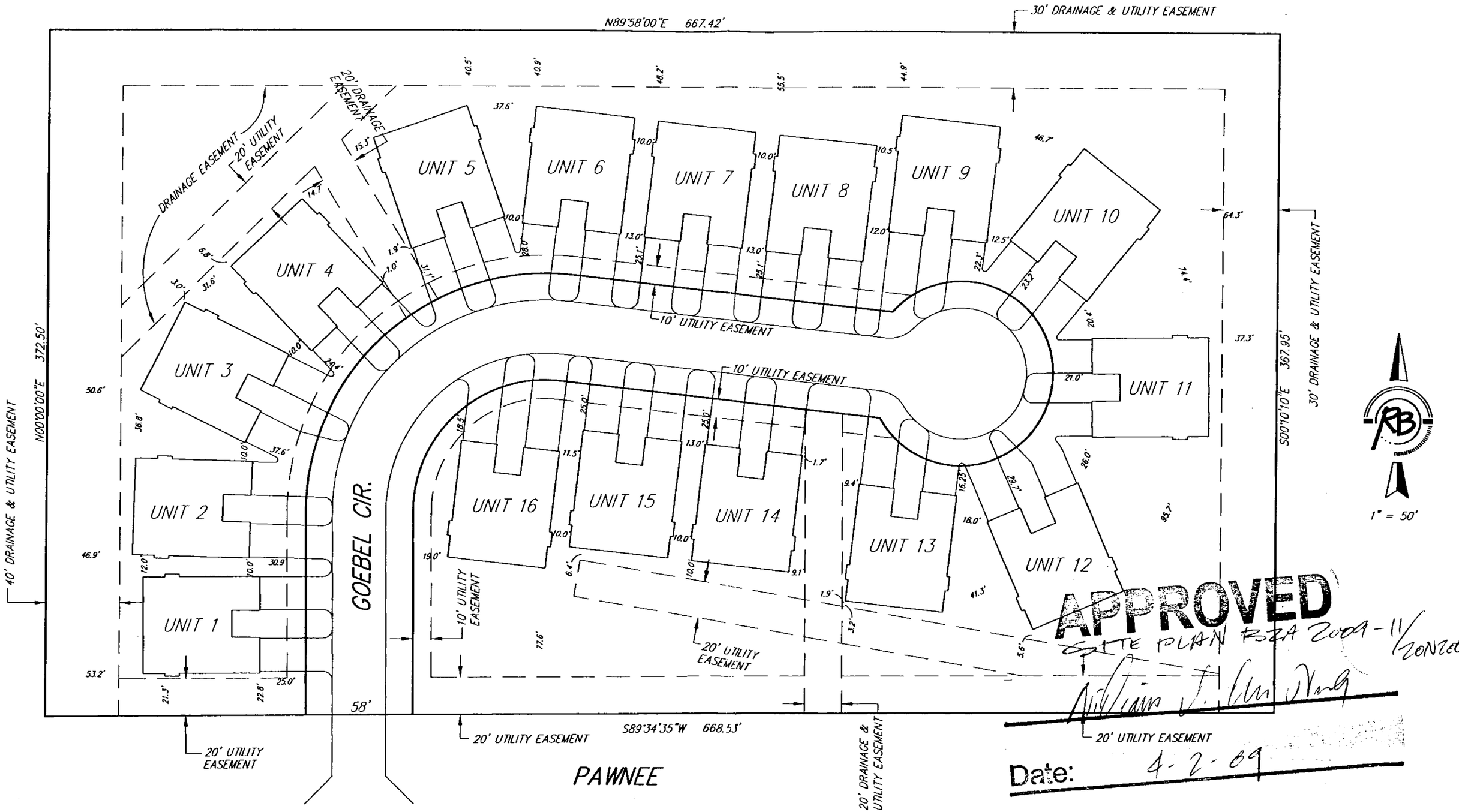
The development application sign should now be removed from the property.

John L. Schlegel
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

attachment

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Mike Gable, Office of Central Inspection
Sue Schlapp, CM District II, Mailstop 1-13



APPROVED
SITE PLAN BZA 2009-11/ZON2009-12
William T. Clark Mayor
Date: 4-2-09

BUILDING EXHIBIT
BRENTWOOD SOUTH 3RD ADDITION

DWG FILE: BUILDING EXHIBIT
PROJECT NO. 3411S
MARCH 3, 2009

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