CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 14, 2009

William Nevens

728 W Douglas
Wichita, KS 67203

Sierra McRae
617 N Bluff
Wichita, KS 67208

Dave Brown
12021 E 13th Street N Bldg. #100
Wichita, KS 67206

RE: BZA2009-14 City variance request to reduce the parking requirement from 58 to three spaces in LC zoning. Generally located on the northeast corner of Osage Street & Douglas Avenue (728 W Douglas).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on May 14, 2009, and an approved site plan. Please submit a revised site plan which demonstrates the condition required landscaping. This resolution reflects the official action of the Board. 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,

Jess McNeely, AICP
Senior Planner

JMC/yja

Cc Jeff Vanzandt, Law Dept, 1-132
JR Cox, OCI, 1-72

BZA RESOLUTION NO. 2009-14

WHEREAS, William Nevens (owner); Sierra McRae (applicant/contract purchaser); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to reduce the parking requirement from 58 to three in LC Limited Commercial zoning, generally located on the northeast corner of W Douglas and Osage (728 W Douglas).

Lots 61, 63 and 10 feet adjacent Lot 61, Chicago now Douglas Avenue, West Wichita Addition Wichita, Sedgwick County, Kansas.

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 May 12, 2009, 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 conditions that are unique. This property is a zero-lot line building developed in 1928 before current parking standards existed. The site is also unique in that over 200 City provided on-street parking spaces exist within the three-block radius of the Douglas Street Delano commercial district, and over 700 City provided public parking spaces exist at Lawrence Dumont Stadium, within two blocks of the site. The site is further unique in that it is a redevelopment site within an older neighborhood with businesses and residential areas within walking distance. Redevelopment on this pedestrian accessible site will not require the amount of parking envisioned by the Zoning Code for new areas..

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners. Adequate public parking exists in the immediate area. Most surrounding properties are similarly developed with little or no parking and also rely on city provided public parking. Nearby properties with private parking lots could experience patrons from the application area parking on their site. These business owners currently take steps to prevent use of their private lots, and will continue to have full rights to prevent use of their private lots.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning code would constitute a hardship upon the applicant, as the space required to meet the parking standards would require demolition of the existing building.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location, as redevelopment of these commercial buildings is in the public interest, as expressed in the Delano Plan and Design Guidelines.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the zoning code parking regulations, as city provided parking is adequate.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to reduce the parking requirement from 58 to three in LC Limited Commercial zoning, generally located on the northeast corner of W Douglas and Osage (728 W Douglas).

Lots 61, 63 and 10 feet adjacent Lot 61, Chicago now Douglas Avenue, West Wichita Addition Wichita, Sedgwick County, Kansas.

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

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to redevelop the site with tavern and arcade, and improvements shall be complete within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 28th Day of April 2009.

BZA Board Chair, Dwight Greenlee

ATTEST:

Jess McNeely, AICP
BZA Secretary

.5"
100 ft

N

Walnut

926 928 914 910 906 900

Handley

922 920 918 910

Private Parking

Osage

720 718 716 714 712 710 708 706 704 702 700 450

SITE

Oak

629 625 619 615 609 607 605 601

Private Parking

Douglas

Douglas

Douglas

925 923 917 915 907 905 901

Walnut

Handley

Private Parking

813 811 801

Private Parking

Osage

Private Parking

711

Private Parking

Oak

623 621 617 617 615 609 613 607 605 601

APPROVED
SITE PLAN #SZA2009-14

William V. Gin Dug

Date: 5-14-09