CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 8, 2009

Harry and Rock, LLC
Attn: Mark S. Pearl
201 S. Central Ave.
Clayton, MO 63105

Re: **BZA2009-00016: An administrative adjustment to reduce the number of parking spaces by 12%.**

Legal Description: Lot 2 and the east half of the vacated Enoch Street and Lot 1 and the west half of the vacated Enoch Street, except east 10 feet dedication for St. Dulick-Kutscher Addition, Wichita, Sedgwick County, Kansas; generally located northwest of the intersection of Rock Road and Harry Street.

We have reviewed your request for an Administrative Adjustment to reduce parking requirements from 155 to 138 spaces for the aforementioned property. You have stated that an existing restaurant on the subject site has recently been remodeled. In reviewing the site plans, it was found that the majority of the available land has been dedicated to parking, drive lanes and landscaping, which provides space for only 138 on-site parking spaces.

The Unified Zoning Code allows an Administrative Adjustment to reduce parking requirements by up to 25% for remodeling projects. We find that reducing the required parking from 155 to 138 spaces on the aforementioned property meets the four conditions required by Section V-I.6 of the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is for off-street parking for the remodeling of existing restaurant. Sufficient parking should be provided on site to mitigate negative impacts on public vehicular and pedestrian circulation in the vicinity. In fact, the adjustment may actually improve vehicular circulation in the area through the site.

2) Impact on existing uses in surrounding areas: Sufficient parking should be provided on site to meet the parking needs of the business. On-street parking is not available on Rock Road or Harry Street. Sufficient parking will need to be provided since there is no overflow on-street parking available.

3) Compatibility with existing or permitted uses on abutting sites: The reduction in parking requirements is within allowable adjustments, and the proposed use is compatible with abutting uses, which are primarily commercial in nature.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a 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 an Administrative Adjustment to allow a reduction in the parking requirements from 155 spaces to 138 spaces for the aforementioned property is hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.

2) The parking area shall be paved and marked in accordance with the site plan.

3) Any violation of these conditions shall render the Administrative Adjustment null and void.

The zoning adjustment sign may now be removed from the property.

John Schlegel
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

JS/KS/ds

cc: Don Piros, 156 N. Emporia, Wichita, KS 67203
Dan Winter, 1024 E. 1st Street, Wichita, KS 67214
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection