CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 1, 2010

USD #259
Attn: Shane Schumacher
3850 N Hydraulic
Wichita, KS 67219

RE: BZA2010-00045 – City Variance of the Zoning Code City Variance to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot at Irving Elementary School, generally located on the east side of Market Street between 15th Street North and 16th Street North (1642 North Market Street)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **October 26, 2010.** 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.

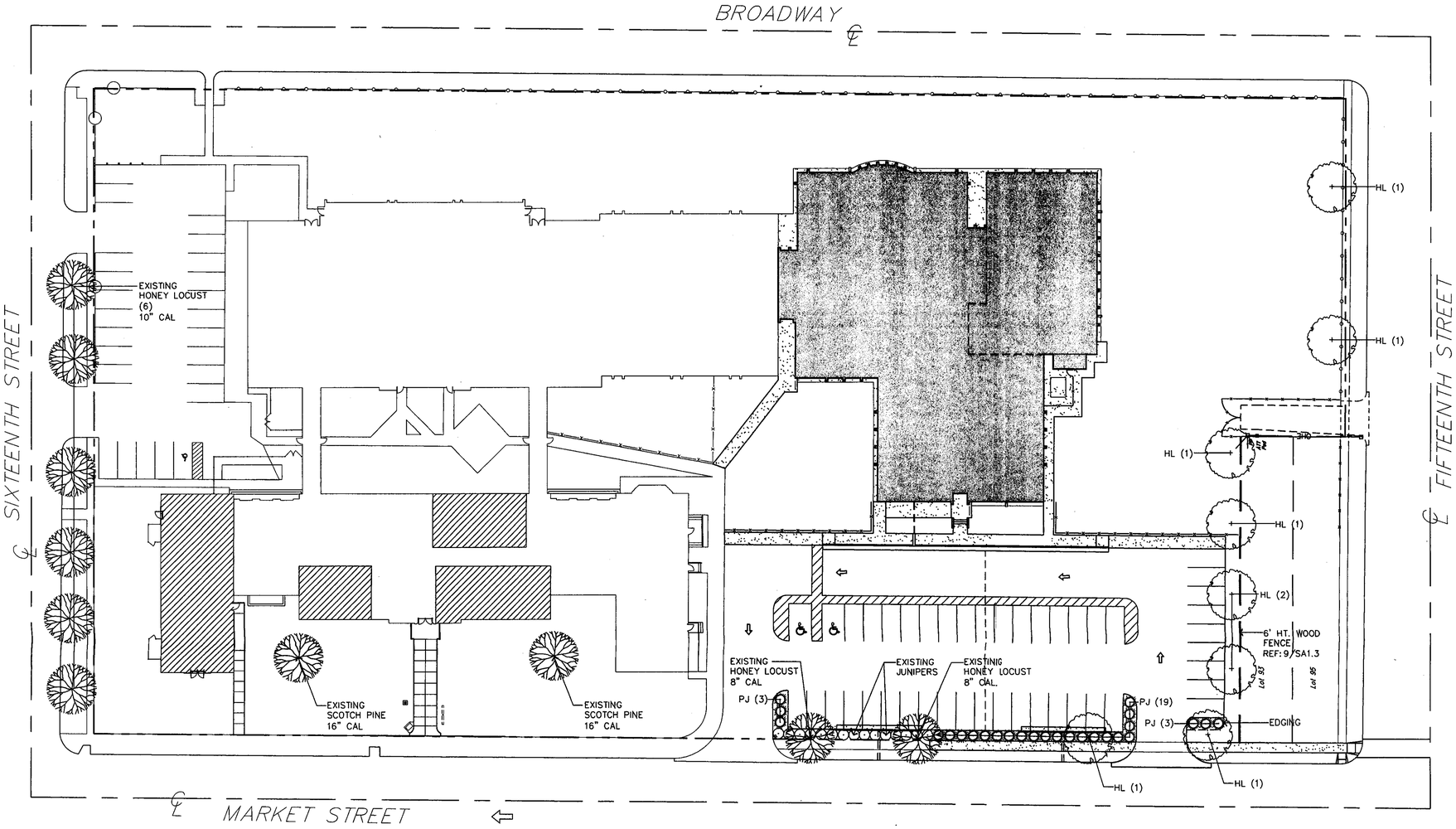
Sincerely,

Donna Goltry

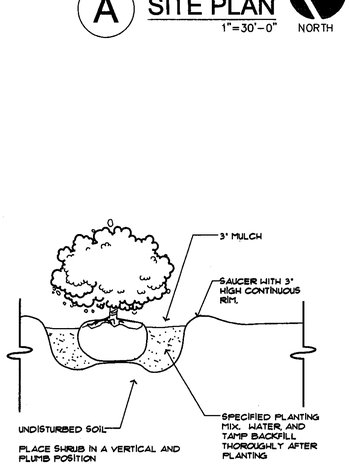
Donna Goltry, Asst BZA Secretary
Current Plans Division

DG/le

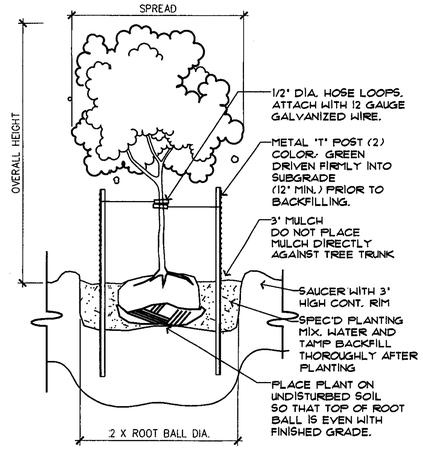
cc: Kurt Schroeder, Office of Central Inspections, 1-72
Paul Hays, Office of Central Inspections, 1-72
J R Cox Office of Central Inspection, 1-72
Janet Miller WCC VI 1-13



A SITE PLAN
1"=30'-0" NORTH



1 SHRUB PLANTING
SCALE: 3/4" = 1'-0"



2 TREE PLANTING
SCALE: 3/8" = 1'-0"

NOTE:

SHEET SL1.1 LANDSCAPE PLAN AND DETAILS, HAS BEEN INCLUDED IN THE PLAN SET FOR PERMIT PRPOSES AND IS NOT TO BE INCLUDED IN THE CONTRACT FOR CONSTRUCTION. LANDSCAPING WILL BE PROVIDED BY THE OWNER.

LANDSCAPE CODE INFO.

REQUIRED LANDSCAPE STREET YARD

SQUARE FOOTAGE FACTOR = 10

MARKET STREET:
LINEAR FOOT STREET FRONTAGE = 601'

16TH STREET:
LINEAR FOOT STREET FRONTAGE = 309'

309 + 601 = 910 - 309(GREATEST PERP. DIST) = 601 X 10 =6010 SF OF LANDSCAPE STREET YARD REQUIRED

11,962 SF LANDSCAPE STREET YARD PROVIDED

SHADE TREES REQUIRED = 6010/500 = 12 REQUIRED
4 EXIST SHADE TREES = 8 SHADE TREES
4 NEW SHADE TREES = 12 SHADE TREES PROVIDED

PARKING LOT SCREENING REQUIRED AND SHOWN.

PARKING LOT TREES: (NEW LOT)
1 SHADE TREE REQUIRED PER 20 SPACES.
44 SPACE LOT = 2 SHADE TREES REQUIRED.
2 SHADE TREES PROVIDED (½ STREET YARD TREES)

BUFFERS:
REQUIRED ALONG SOUTH PROPERTY LINE
150'/40=4 SHADE TREES REQUIRE
4 SHADE TREES PROVIDED

LEGAL DESCRIPTION:
UNKNOWN

ADDRESS: 1642 N. MARKET

WATER:
WATER WILL BE PROVIDED BY HOSE BIB ON BUILDING.

LANDSCAPE NOTES

1. NO SUBSTITUTIONS ARE ALLOWED WITHOUT APPROVAL.
2. PLANT QUANTITIES IN THE PLANT LIST ARE FOR INFORMATION ONLY. CONTRACTOR SHALL VERIFY.
3. ALL PLANT LOCATIONS ARE APPROXIMATE, ADJUST AS NECESSARY TO AVOID CONFLICTS.
4. ALL PLANTING BEDS SHALL BE COVERED WITH 1" DEPTH OF COTTON BOLL COMPOST AND THEN TILLED TO A DEPTH OF 6" PRIOR TO PLANTING.
5. ALL PLANTING BEDS ARE TO RECEIVE 3" DEPTH OF ORGANIC MULCH.
6. PLANT BACKFILL MIX SHALL BE ⅓ COTTON BOLL COMPOST AND ⅔ EXISTING SOIL. ADD ROOT STARTER FERTILIZER AS PER MFR'S RECOMMENDATIONS.
7. ALL LAWN AREAS ARE TO BE TILLED TO A DEPTH OF 6" AND ALL DEBRIS REMOVED PRIOR TO PLANTING. TURF SEED SHALL BE DRILLED OR VERTICUT INTO SOIL. MULCH SEEDED AREA WITH CLEAN SHREDDED STRAW MULCH. CRIMP STRAW INTO SOIL.
8. SEED ALL DISTURBED AREAS SEED SHALL BE A BERMUDA/RYE MIX. MINIMUM BERMUDA CONTENT 2LBS PER 1,000 SF.

PLANT LIST

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	COND.
TREES					
HL	7	COMMON HONEY LOCUST	GLEDITSIA TRIACANTHOS VAR. INERMIS	2" CAL.	B & B
SHRUBS					
PJ	25	PFITZER COMPACT JUNIPER	JUNIPERUS CHINENSIS 'KALLAYS COMPACTA'	5 GAL.	CONT.

PER BZA 2010-00045
LANDSCAPE PLAN

APPROVED 10-25-10 BY DG
ADDENDUM TO PLAN APPROVED 08-13-01

DATE DRAWN
3-10-2010
REVISIONS

PRINTS ISSUED

OWNER REVIEW	3-26-10
30% REVIEW	4-30-10
50% REVIEW	5-28-10
95% REVIEW	7-15-10
FOR BID & PERMIT	8-12-10

KREHBIEL ARCHITECTURE
1300 E. Lewis
Wichita KS 67211
316.267.8233
316.267.8566 fax
krehbielarchitecture.com

JUSTIN RANDOLPH LICENSED 678 8.12.10 KANSAS LANDSCAPE ARCHITECT

DATE

IRVING ELEMENTARY
USD 259 - #334
1642 N. MARKET
WICHITA, KS. 67214

WICHITA PUBLIC SCHOOLS

PROJECT NO.
10001
SHEET TITLE
LANDSCAPE PLAN

SHEET NO.
SL1.1

© Copyright 2010 Krehbiel Architecture

BZA RESOLUTION NO. 2010-00045

WHEREAS, USD #259 (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot at Irving Elementary School, generally located on the east side of Market Street between 15th Street North and 16th Street North (1642 North Market Street):

Reserve A, Powell's Addition; and
Odd lots 73-91 on Market, Powell's Addition; and
Even lots 74-96 on Broadway, Powell's 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 August 24, 2010, 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, inasmuch as the property was platted in 1887 for a small neighborhood grade school, as documented by the plattor's text, and remains an elementary school. However, the site requirements for schools have changed during the past 120 years from the old fashioned eight-grade schoolhouse where students arrived by walking. Today many students arrive by private car or by bus. The site is small for a modern elementary school and it is difficult to accommodate the building facilities, playground and parking needs.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, inasmuch as the reduction in the buffer between the parking lot and the sidewalk will remain at five feet, which is minimally sufficient to provide a reasonable planting bed for parking lot screening. The parking lot has only two rows of parking stalls running parallel with Market Street, which keeps the scale of the lot modest.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as requiring the applicant to comply with the three additional feet in the buffer would reposition the building expansion. As designed, the building expands its main interior hallway southward from the current terminus, according to the applicant. In terms of moving the parking lot nearer to the building, it is already placed as close to the building as possible, while still maintaining the two rows of parking stalls and the drive through drop off lane.

WHEREAS, the Board of Zoning Appeals has found that the variance request for setback reduction does not adversely affect the public interest, inasmuch as the public has an interest in supporting the

ATTEST:

Dale Miller
BZA Secretary

stability of neighborhood schools in existing locations and allowing them to be upgraded to meet current school needs. The parking lot and the drop off lane will alleviate traffic congestion along Market Street, so are needed to ensure the safety of residents and children in the neighborhood.

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, inasmuch as the three foot reduction still provides the minimum width of five feet essential to provide parking lot screening per the Landscape Ordinance. The purpose of the wider buffer is to soften the impact of the parking area primarily for the neighbors living across the street. It is intended to lessen the visual blight and mass of paved parking located in the midst of a residential neighborhood. In this case, the parking lot only has two rows of stalls plus the drop off lane, and the building forms the backdrop. The fewer rows and building backdrop lessens the visual impact of the paved area.

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 of the Zoning Code to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot serving Irving Elementary School, generally located on the east side of Market Street between 15th Street North and 16th Street North (1642 North Market Street):

Reserve A, Powell's Addition; and
Odd lots 73-91 on Market, Powell's Addition; and
Even lots 74-96 on Broadway, Powell's Addition, Wichita, Sedgwick County, Kansas.

The Variance is hereby <u>GRANTED</u>, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to the parking lot addition 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.
3. The parking lot shall be landscaped in accordance with the Landscape Ordinance.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the Variance.
5. 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 26th Day of October, 2010.

BZA Board Chair, Dwight Greenlee

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
October 26, 2010

SECRETARY'S REPORT

CASE NUMBER: BZA2010-00045

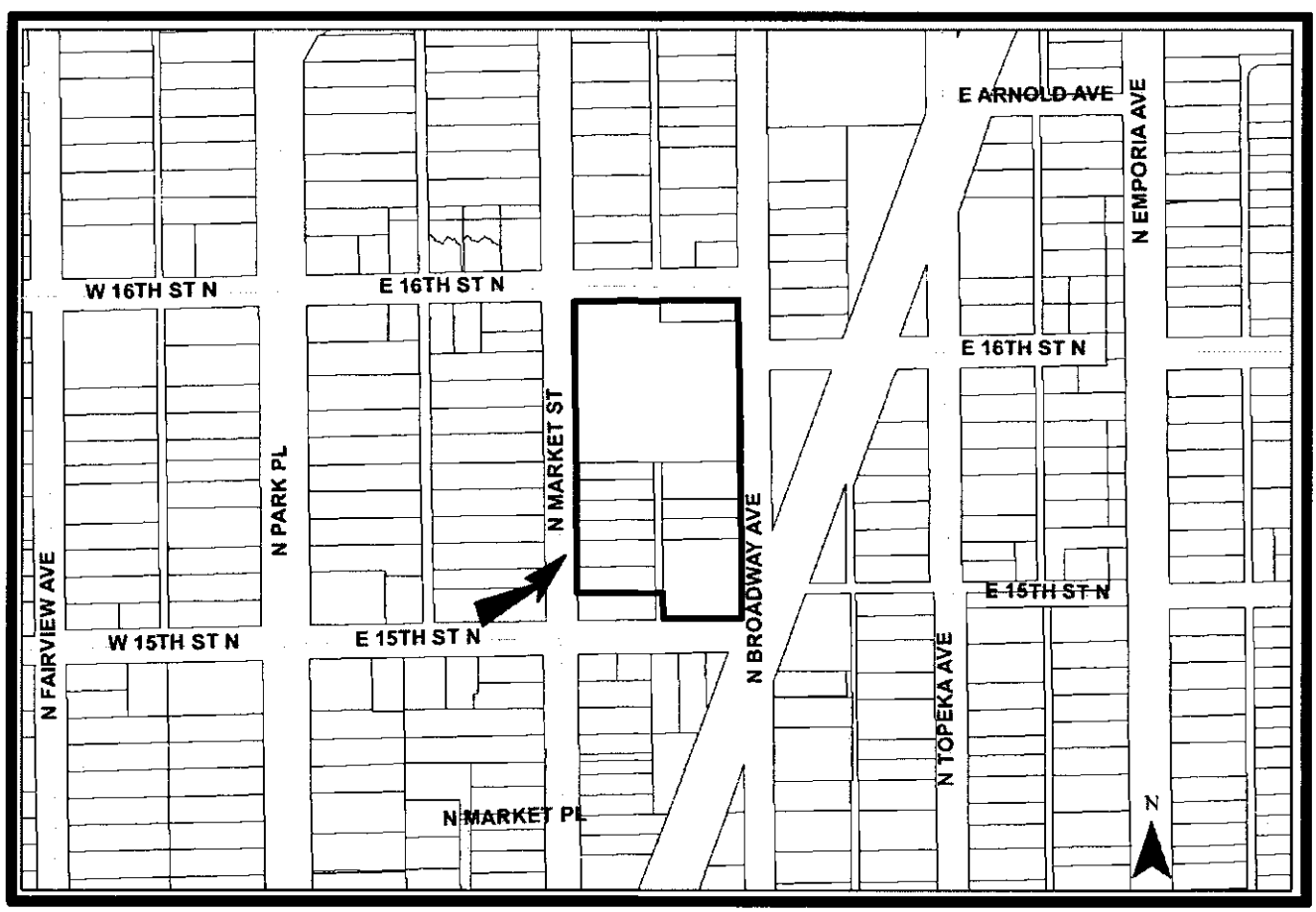
APPLICANT/AGENT: USD #259 c/o Shane Schumacher (owner)

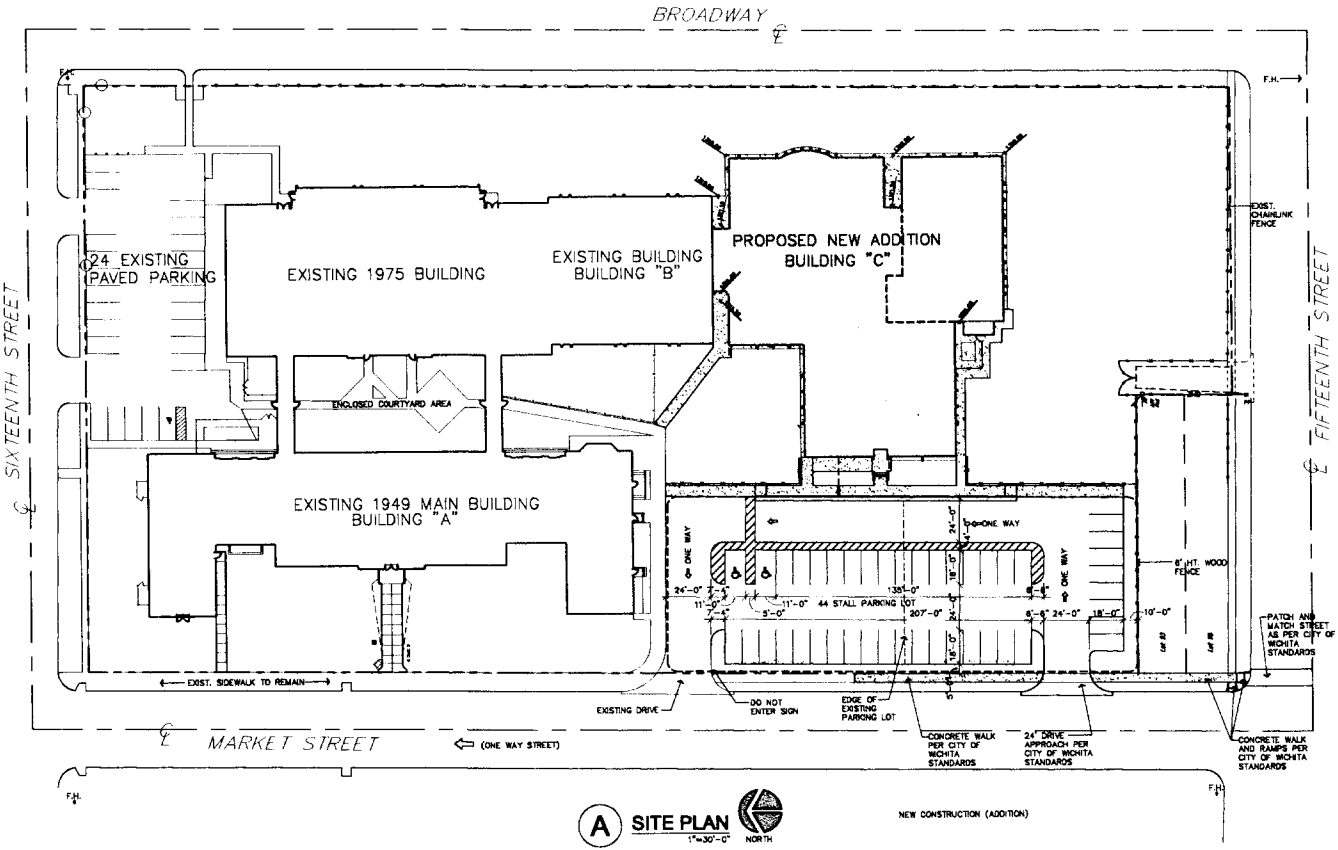
REQUEST: City Variance to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot at Irving Elementary School

CURRENT ZONING: TF-3 Two-Family Residential ("TF-3")

SITE SIZE: 4 ± acres

LOCATION: Generally located on the east side of Market Street between 15th Street North and 16th Street North (1642 North Market Street)





A SITE PLAN 1"=30'-0" NORTH

NEW CONSTRUCTION (ADDITION)

DATE DRAWN
REVISIONS

PRINTS ISSUED

KREHBIEL ARCHITECTURE
1800 E. Lewis
Wichita KS 67211
316.947.9233
316.947.9866 fax
krehbielarchitecture.com

DATE

IRVING ELEMENTARY
USD 259 - #334
1942 N. MARKET
WICHITA, KS. 67214

WICHITA PUBLIC SCHOOLS

PROJECT NO.

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 State Statutes, are found to exist.

BACKGROUND: The applicant requests a variance to the Unified Zoning Code ("UZC") to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential ("TF-3") for a parking lot serving Irving Elementary School Irving Elementary is located on the block bounded by Market Street on the west, 16th Street North on the north, Broadway on the east and 15th Street North on the south. USD#259 has acquired all of this block except for a 50 foot x 147 foot lot still in residential use on the northeast corner of market and 15th Street North. The proposed parking lot abuts this residential lot.

The UZC prohibits parking within the required front and street side setbacks. Ad administrative remedy is available to reduce the setback buffer to as narrow as eight feet. Any request to place the paved parking area closer than eight feet from the property line must be remedied through the variance process. The existing parking lot has an eight foot setback along Market Street. The eight foot width was granted by administrative adjustment in 2001 (BZA2010-00053) during the previous phase of expansion.

Irving Elementary School is being expanded again, to meet the needs of its school population. The expansion moves the building southward and encompasses some of the existing parking lot.

The school is located on the lot originally designated as "School House Lot 1" of Powell's Addition, recorded Jun3 9, 1887. It was typical to reserve a school site in each quarter section of land at the time. Today, elementary schools are not located as close together and more students come to school via bus or private cars. When these older schools are expanded, the schools are required to meet the current-day parking requirements based on today's travel patterns. This often results in site constraints, attempting to balance the need for the building facilities, the playground and the parking.

The surround area is densely settled with single-family homes ranging in age from the 1980s to recent infill units to the west of Market Street and to the north and south along Market Street, mostly zoned TF-3. The property along Broadway is a mix of commercial uses, with retail, restaurants, etc. The zoning on Broadway tends to be GC General Commercial ("GC") with a scattering of LC Limited Commercial ("LC"). An abandoned rail right-of-way has been redeveloped as a park to the south.

ADJACENT ZONING AND LAND USE:

NORTH	TF-3, LC	Residential, restaurant, retail
SOUTH	TF-3, B	Residential, park
EAST	GC	Shopping center, commercial
WEST	TF-3	Residential

The five criteria necessary for approval as they apply to Variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property was platted in 1887 for a small neighborhood grade school, as documented by the plattor's text, and

remains an elementary school. However, the site requirements for schools have changed during the past 120 years from the old fashioned eight-grade schoolhouse where students arrived by walking. Today many students arrive by private car or by bus. The site is small for a modern elementary school and it is difficult to accommodate the building facilities, playground and parking needs.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the reduction in the buffer between the parking lot and the sidewalk will remain at five feet, which is minimally sufficient to provide a reasonable planting bed for parking lot screening. The parking lot has only two rows of parking stalls running parallel with Market Street, which keeps the scale of the lot modest.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as requiring the applicant to comply with the three additional feet in the buffer would reposition the building expansion. As designed, the building expands its main interior hallway southward from the current terminus, according to the applicant. In terms of moving the parking lot nearer to the building, it is already placed as close to the building as possible, while still maintaining the two rows of parking stalls and the drive through drop off lane.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in supporting the stability of neighborhood schools in existing locations and allowing them to be upgraded to meet current school needs. The parking lot and the drop off lane will alleviate traffic congestion along Market Street, so are needed to ensure the safety of residents and children in the neighborhood.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the three foot reduction still provides the minimum width of five feet essential to provide parking lot screening per the Landscape Ordinance. The purpose of the wider buffer is to soften the impact of the parking area primarily for the neighbors living across the street. It is intended to lessen the visual blight and mass of paved parking located in the midst of a residential neighborhood. In this case, the parking lot only has two rows of stalls plus the drop off lane, and the building forms the backdrop. The fewer rows and building backdrop lessens the visual impact of the paved area.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the Variance can be found to exist, then it is the recommendation of the Secretary that the Variance to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot serving Irving Elementary School be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to the parking lot addition 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.
3. The parking lot shall be landscaped in accordance with the Landscape Ordinance.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the Variance.

5. 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.

Attachment: Site Plan