CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 6, 2010

Jim Dunning, ICTRE, LLC
1401 East Douglas
Wichita, KS 67211

GAT Realty Corporation
Attn: Bob Gage
201 Summit View Drive
Brentwood, TN 37027

Re: **BZA2010-00043: City Administrative Adjustment City to reduce the setback (compatibility setback and interior side setback) to four feet on the west property line and to reduce parking requirement by up to 20 percent on property zoned LC Limited Commercial.**

Legal Description: Lot12, Block 1, Wilbers Addition, Wichita, Sedgwick County, Kansas; generally located generally located on the northwest corner of 21st Street North and Piatt Avenue.

Dear Sir or Madam:

We have reviewed your request for an Administrative Adjustment to reduce the setback (compatibility setback adjacent to TF-3 Two-Family Residential ("TF-3") zoned property and interior side setback for west property line) to four feet AND to reduce parking requirements for the aforementioned property zoned LC Limited Commercial ("LC"). You have stated that a new retail building is being constructed on the tract. The site, utilized to its fullest, can provide approximately 30 of the 36 parking space requirement.

The Unified Zoning Code allows an Administrative Adjustment to reduce parking requirements by up to 10 percent for any new project, or up to 25 percent for redevelopment of existing sites, when documented that it meets the adjustment criteria. The provided site plan shows a 17 percent reduction.

The adjustment would reduce the interior side setback for the west property line by 20 percent and the compatibility setback adjacent to TF-3 zoned property from 25 feet to four feet.

We find that reducing the interior side setback and compatibility setback and the required parking up this level, rounded to 20 percent, 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: The reduced side setback does not encroach on streets or sidewalks. The 20 percent reduction in parking requirement will allow the maximum utilization of the site, without encroaching onto the right-of-way and providing required traffic circulation and drive aisle widths. Therefore, the adjustments should not impact the safety and convenience of vehicular and pedestrian circulation.

2) Impact on existing uses in surrounding areas: Two residential lots zoned TF-3 abut the north half of the west property line. The nbrthernmost lot has a large garage on its rear, blocking its view of the commercial building. On the other lot, the back yard abuts the interior side yard. The view from the back of the house will be toward the side façade of the commercial building. The building façade will, however, screen the view of customers coming and going from the business. Regarding the parking reduction, sufficient parking still should be provided on site to meet the parking needs of the business. Additional on-street parking along Piatt Avenue, with commercial zoning on both sides of the street, offers as many parallel parking spaces as on-site parking spaces are eliminated by the adjustment. The redevelopment of the site should be a positive impact on the nearby commercial corridor.

3) Compatibility with existing or permitted uses on abutting sites: Compatibility setbacks can be reduced or even eliminated, if it is deemed appropriate. Interior side setbacks on LC zoning are set at zero feet or five feet, eligible for a 20 percent administrative reduction or four feet. When two commercial uses are abutting, a zero setback may be appropriate. In this case where abutting a residential use, it was determined that a setback needed to be provided to allow a narrow strip of landscape plantings; to break the visual mass of the commercial building from the residence. Therefore, the interior setback was reduced by 20 percent to four feet, but maintained in this narrow form so as to allow the landscape planting to soften the view from the residence. The reduction in parking requirements is within allowable adjustments. The proposed use is permitted by right by the LC zoning and keeps the parking is kept toward the commercial (21st Street North) edge of the site.

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 reduce the compatibility setback and interior side setback to four feet on the west property line AND to allow a reduction in the parking requirements by up to 20 percent 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 and Landscape Plan, with special attention to selecting plants that suitable for breaking the visual mass of the building abutting the TF-3 zoned property.

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 L. Schlegel
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

JS/KS/dg

cc: Gresham, Smith and Partners, Attn: Joe Johnston, Senior Associate, 1400 Nashville City Center, 511 Union Street, Nashville, TN 37219-1733
Lavonta Williams, CM District 1
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Dale Miller, MAPD
Mark Janzen, Office of Central Inspection

LAYOUT & PAVING NOTES

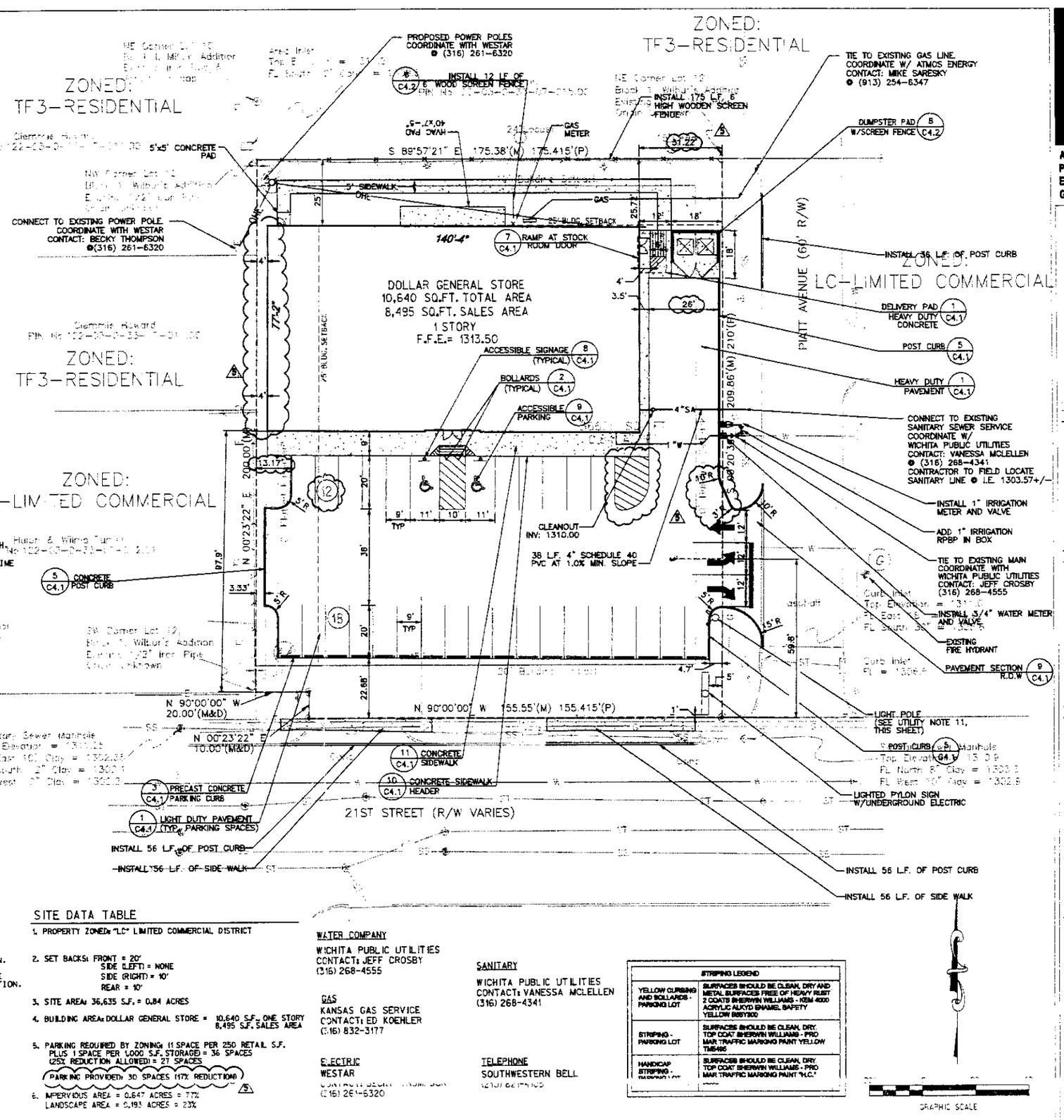
1. THE CONTRACTOR SHALL CHECK EXISTING GRADES, DIMENSIONS, AND INVERTS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ARCHITECT/ENGINEER PRIOR TO BEGINNING WORK.
2. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES, INCLUDING IRRIGATION LINES. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN, AND REPAIR CONTRACTOR CAUSED DAMAGE ACCORDING TO CURRENT LOCAL STANDARDS AND AT THE CONTRACTOR'S EXPENSE. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY. RELOCATE IRRIGATION LINES AS NECESSARY FOR CONSTRUCTION.
3. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL CODES. OBTAIN ALL PERMITS, AND PAY ALL FEES PRIOR TO BEGINNING WORK.
4. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAY BE NECESSARY. INSTALL ALL UTILITIES PRIOR TO INSTALLATION OF PAVEMENT.
5. THE CONTRACTOR SHALL PROTECT ALL TREES TO REMAIN. IN ACCORDANCE WITH THE SPECIFICATIONS. DO NOT OPERATE OR STORE HEAVY EQUIPMENT, NOR HANDLE, NOR STORE MATERIALS WITHIN THE DRIPLINES OF TREES OR OUTSIDE THE LIMIT OF GRADING.
6. CONCRETE WALKS AND PADS SHALL HAVE A BROOM FINISH. ALL CONCRETE SHALL BE 3,500 P.S.I. UNLESS OTHERWISE NOTED. CURB RAMPS, SIDEWALK SLOPES, AND DRIVEWAY RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL CURRENT LOCAL REQUIREMENTS. IF APPLICABLE, THE CONTRACTOR SHALL REQUEST INSPECTION OF SIDEWALK AND RAMP FORMS PRIOR TO PLACEMENT OF CONCRETE.
7. ALL DAMAGE TO EXISTING ASPHALT PAVEMENT TO REMAIN WHICH RESULTS FROM NEW CONSTRUCTION SHALL BE REPLACED WITH LIKE MATERIALS AT CONTRACTOR'S EXPENSE.
8. DIMENSIONS ARE TO THE FACE OF CURB, EDGE OF CONCRETE, OR TO THE FACE OF BUILDING, UNLESS OTHERWISE NOTED.
9. COORDINATES ARE FOR FACE OF BUILDINGS, CENTER LINES OF DRIVEWAYS, CENTER OF SANITARY SEWER MANHOLES, AND CENTER AT FACE OF CURB ON CURB INLETS, UNLESS OTHERWISE NOTED.
10. MAINTAIN ONE SET OF AS-BUILT DRAWINGS ON THE JOB SITE FOR DISTRIBUTION TO THE ARCHITECT/ENGINEER UPON COMPLETION.
11. PARKING STRIPES SHALL BE 4-INCH YELLOW PAVEMENT PAINT.
12. SCREENED ITEMS INDICATE A PRE-CONSTRUCTION TOPOGRAPHIC SURVEY PROVIDED BY CORNERSTONE REGIONAL SURVEYING DATED JUNE 21, 2010.
13. CONTRACTION JOINTS SHALL BE CONSTRUCTED TO A DEPTH OF AT LEAST 1/4 THE CONCRETE THICKNESS, AND SHALL DIVIDE CONCRETE ROUGHLY INTO SQUARES WITH MAXIMUM 10' SEGMENTS.
14. CONTRACTOR SHALL PROVIDE AS-BUILT ELEVATION SURVEY FOR ALL NEW SIDEWALK RAMPS.
15. ALL EXISTING STRUCTURES, CONCRETE PADS/WALKS/DRIVES AND UTILITY SERVICES ON SITE TO BE REMOVED PRIOR TO CONSTRUCTION.
16. ALL CONCRETE TO BE 3500 PSI WITH 5% (+/- 1%) AIR ENTRAINMENT. FLY ASH MIXTURES WITH WATER/CEMENT RATIOS AT 0.5 OR BELOW ARE RECOMMENDED
17. CONSTRUCTION OF REINFORCED CONCRETE PAVEMENTS SHALL BE IN ACCORDANCE WITH ACI 330 STANDARD SPECIFICATIONS.
18. CONCRETE SIDEWALKS SHALL HAVE A BROOM FINISH WITH NO EXPOSED AGGREGATE ON SIDEWALK FACE.
19. CURING COMPOUND TO BE APPLIED TO ALL CONCRETE SURFACES IMMEDIATELY AFTER BROOM FINISH.
20. CONTRACTOR SHALL REJECT CONCRETE IF IT CANNOT BE PLACED WITHIN 90 MINUTES OF BATCH TIME EXPIRATION TIME SHALL BE REDUCED TO 75 MINUTES ON HIGH SUMMER TEMPERATURES.

GENERAL UTILITY NOTES

1. WATER AND SEWER CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH ALL LOCAL CODES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL PAY ALL FEES AND OBTAIN ALL PERMITS.
3. ALL EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND ARE BASED ON TOPOGRAPHIC SURVEYS. ADDITIONAL UTILITIES MAY BE PRESENT. SHOULD UNCHARTED UTILITIES BE ENCOUNTERED DURING EXCAVATION OPERATIONS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT/ENGINEER AS SOON AS POSSIBLE FOR INSTRUCTIONS.
4. THE CONTRACTOR SHALL NOTIFY THE KANSAS ONE-CALL SYSTEM AT (811) AT LEAST 2 WORKING DAYS PRIOR TO ANY EXCAVATION AND/OR DEMOLITION.
5. MAINTAIN 10-FOOT HORIZONTAL AND 18-INCH VERTICAL SEPARATION BETWEEN SANITARY SEWER AND WATER SUPPLY LINES.
6. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES INCLUDING IRRIGATION. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. REPAIR DAMAGE ACCORDING TO LOCAL STANDARDS AND AT THE CONTRACTOR'S EXPENSE. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY. RELOCATE IRRIGATION LINES AS NECESSARY FOR CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE SEQUENCING OF CONSTRUCTION FOR ALL UTILITY LINES SO THAT WATER LINES AND UNDERGROUND ELECTRIC DO NOT CONFLICT WITH SANITARY SEWERS OR STORM SEWERS. INSTALL UTILITIES PRIOR TO FINAL PAVEMENT CONSTRUCTION.
8. BACKFILL UTILITY TRENCHES UNDER PAVEMENT AREAS WITH CRUSHED STONE OR GRAVEL. BACKFILL UTILITY TRENCHES IN LAWN AREAS WITH SATISFACTORY FILL MATERIAL COMPACTED TO AT LEAST 98% OF MAXIMUM PER ASTM D698.
9. ALL SANITARY SEWER PIPE SHALL BE SCHEDULE 40 PVC UNLESS NOTED OTHERWISE.
10. WATER SERVICE PIPE SHALL BE SDR21 PVC. PRESSURE RATING 200 PSI.
11. CONTRACTOR SHALL COORDINATE LIGHT POLE AND ELECTRICAL CONDUIT LOCATION WITH ELECTRICAL SITE ES1.0/PHOTOMETRIC PLAN.
12. ALL PRIVATE STORM SEWER 6" IN DIAMETER AND LARGER SHALL BE TELEVISED UPON COMPLETION. TAPES WILL BE FURNISHED TO THE CITY FOR REVIEW PRIOR TO FINAL INSPECTION BY CENTRAL INSPECTION. NO OCCUPANCY CERTIFICATE WILL BE ISSUED BY CENTRAL INSPECTION UNTIL THE TAPES HAVE BEEN REVIEWED AND THE PRIVATE STORM SEWER DETERMINED TO BE IN GOOD CONDITION.

SITE PLAN
BZA2010-00043

APPROVED 10-6-10 BY DG



SITE DATA TABLE

1. PROPERTY ZONED: "LC" LIMITED COMMERCIAL DISTRICT
2. SET BACKS: FRONT = 20'
   SIDE (LEFT) = NONE
   SIDE (RIGHT) = 10'
   REAR = 10'
3. SITE AREA: 36,635 S.F. = 0.84 ACRES
4. BUILDING AREA: DOLLAR GENERAL STORE = 10,640 S.F., ONE STORY 8,495 S.F. SALES AREA
5. PARKING REQUIRED BY ZONING (1 SPACE PER 250 RETAIL S.F. PLUS 1 SPACE PER 1,000 S.F. STORAGE) = 36 SPACES (25% REDUCTION ALLOWED) = 27 SPACES
   PARKING PROVIDED: 30 SPACES (17% REDUCTION) (5)
6. IMPERVIOUS AREA = 0.647 ACRES = 77%
   LANDSCAPE AREA = 0.193 ACRES = 23%

WATER COMPANY
WICHITA PUBLIC UTILITIES
CONTACT: JEFF CROSBY
(316) 268-4555

GAS
KANSAS GAS SERVICE
CONTACT: ED KOEHLER
(316) 832-3177

ELECTRIC
WESTAR
(316) 261-6320

SANITARY
WICHITA PUBLIC UTILITIES
CONTACT: VANESSA MCLELLEN
(316) 268-4341

TELEPHONE
SOUTHWESTERN BELL

STRIPING LEGEND	
YELLOW CURBING AND BOLLARDS - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY AND METAL SURFACES FREE OF HEAVY RUST 2 COATS SHERWIN WILLIAMS - KEM 4000 ACRYLIC ALKYD ENAMEL SAFETY YELLOW B65Y300
STRIPING - PARKING LOT	SURFACES SHOULD BE CLEAN, DRY. TOP COAT SHERWIN WILLIAMS - PRO MAR TRAFFIC MARKING PAINT YELLOW TM5-490
HANDICAP STRIPING -	SURFACES SHOULD BE CLEAN, DRY. TOP COAT SHERWIN WILLIAMS - PRO MAR TRAFFIC MARKING PAINT "H.C."

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GB
GBT REALTY CORPORATION
OWNER

DOLLAR GENERAL

STORE #:
WICHITA, KS
E. 21st ST. N
LOCATION

07.28.10
MJM XXXXX
DATE

3	CITY COMMENTS 09.16.10
4	CITY COMMENTS 09.22.10
5	CITY COMMENTS 09.29.10

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SITE LAYOUT & UTILITY PLAN
C2.1
SHEET