CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 25, 2012

Shane Shumacher
3850 N. Hydraulic
Wichita, KS 67219

Baughman Co., PA
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

RE: BZA2012-44 – City BZA Variance request to reduce the required front setback from 20 to 8 feet for a medical clinic on an elementary school site, generally located north of West 25th Street North and east of Salina Street (1212 W. 25th Street N.).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **September 25, 2012.** This resolution reflects the official action of the Board. It is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Jess McNeely, AICP
BZA Secretary
Current Plans Division

cc: Rick Stubbs, Office of Central Inspections
JR Cox, Office of Central Inspection
Janet Miller, WCC VI CM
Terri Dozal, WCC VI NA

BZA RESOLUTION NO. BZA2012-44

WHEREAS, USD 259 c/o Shane Schumacher (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Unified Zoning Code to reduce the front building setback from 20 to eight feet, in SF-5 zoning for a medical clinic on an elementary school site; generally located north of West 25th Street and east of Salina (1212 W. 25th Street N.).

Legal Description:

That part of Lot 1, Henry Roe Cloud Addition, Wichita, Sedgwick County, Kansas described as follows: Commencing at the northwest corner of said Lot 1; thence easterly along the most westerly segment of the north line of said Lot 1, 408.62 feet for a point of beginning; thence continuing easterly along the north line of said lot 1, 196.38 feet to the point of curvature of a tangent curve to the left in said north line; thence easterly along said curve, through a central angle of 13°31'27" and having a radius of 128.33 feet, an arc distance of 30.29 feet to a deflection corner in said north line; thence southerly along a segment of the north line of said Lot 1, 199.56 feet; thence westerly parallel with the most westerly segment of the north line of said Lot 1, 225.85 feet; thence northerly, 196.00 feet to the point of beginning.

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 September 25, 2012, 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 this property is unique. The site is fully developed with a school and associated parking, playgrounds and athletic fields leaving the only available building site encroaching into the required building setback. This property is further unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Revitalization" area. The Plan recommends flexible building setback requirements in this area to encourage infill development and redevelopment.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance will not adversely affect the rights of adjacent property owners. Property east of the site is developed with the Evergreen Community Center adjacent to the proposed building. The community center building is over 300 feet from the proposed medical clinic site and will not be impacted by a setback reduction. Property north of the application area, across 26th Street North, is developed with single-family residences. 26th Street north has 15 feet of landscaped area between the paved street and the school property line. With a setback reduction placing the medical clinic eight feet from the property line, 23 feet of landscaped space will still exist between the clinic building and the 26th Street North pavement. Required landscaping will further ensure that the clinic setback reduction has no impact on residences across 26th Street North.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code would constitute an unnecessary hardship upon the applicant. The application area can only accommodate the proposed clinic building and associated parking if the requested setback variance is granted. Strict application of the Zoning Code building setback would prevent the addition of a needed clinic to this site.

WHEREAS, the Board of Zoning Appeals has found that the requested variance will not adversely affect the public interest, as further improving this property is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically recommends building setback flexibility in this neighborhood to accommodate facilities that serve the public interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance does not oppose the general spirit and intent of the Zoning Code. Front building setbacks are intended to ensure separation between structures and streets, and to allow for open landscaped areas. Adequate separation between the clinic and the street will be maintained, and adequate open space is provided for in the immediate 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 Unified Zoning Code to reduce the front building setback from 20 to eight feet, in SF-5 zoning for a medical clinic on an elementary school site; generally located north of West 25th Street and east of Salina (1212 W. 25th Street N.).

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 submit a landscape plan, to be approved by staff, meeting Landscape Code requirements.
3. The front setback reduction shall apply to the clinic structure shown on the site plan only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
4. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 25th Day of September, 2012.

BZA Board Chair, Steve Anthimides

ATTEST:

Jess McNeely, AICP
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
August 28, 2012

SECRETARY'S REPORT

CASE NUMBER: BZA2012-44

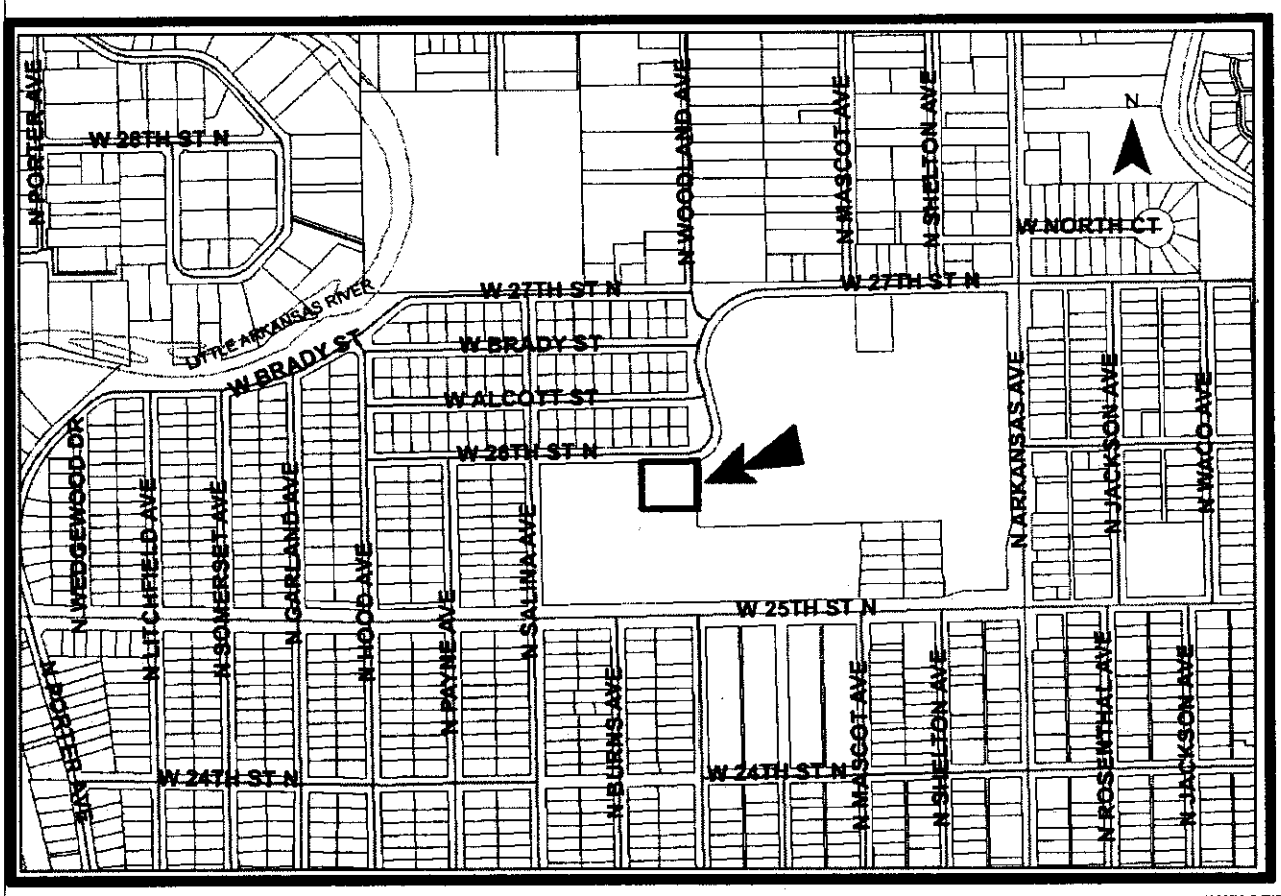
APPLICANT/AGENT: USD 259 c/o Shane Shumacher (owner), Gracemed (applicant), Baughman Co. c/o Russ Ewy (agent)

REQUEST: City BZA Variance request to reduce the required front setback from 20 to 8 feet for a medical clinic on an elementary school site

CURRENT ZONING: SF-5 Single-family Residential; requested GO General Office

SITE SIZE: 1 acre

LOCATION: Generally located south of West 26th Street North and east of Salina Street (1212 W. 25th Street N.)



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 reduce the required front setback from 20 to 8 feet for a medical clinic on an elementary school site, see the attached site plan and applicant's letter. Gracemed, a local non-profit agency, intends to place a medical clinic on the Cloud Elementary school grounds to serve under and un-insured people in the immediate area in addition to serving school children. Gracemed is partnering with USD 259 to place clinics on school sites in neighborhoods with healthcare needs. The application area is currently zoned SF-5 Single-family residential; the applicant requested a zone change to GO General Office for a medical office use. The Planning Commission approved the zone change on August 16, 2012, District Advisory Board (DAB) VI recommended approval of the zone change on August 6, 2012, and the City Council will hear the zone change request on September 18, 2012. A Gracemed clinic site is currently in the Evergreen Community Center, immediately east of the application area. Staff's understanding is that the Evergreen Gracemed clinic will close when the new building is opened.

The Zoning Code requires a minimum front setback of 20 feet in the GO zoning district. The Cloud Elementary School grounds are developed with school buildings, parking areas, playgrounds, and athletic fields. The only available space on the school property is the proposed clinic location, requiring the front setback variance from 26th Street North. The existing school building sits approximately 60 feet from the 26th Street North property line for 350 feet of frontage, the proposed medical clinic would sit 8 feet from the north property line with 65 feet of frontage. The 26th Street North right-of-way includes 15 feet of landscaped area between the paved street and the school property line. Two temporary classroom buildings will be removed to make room for the medical clinic building and associated parking. The medical clinic will be required to meet off-street parking, landscaping, and parking lot screening requirements.

Property north of the site, across 26th Street North, is zoned SF-5 and is developed with a single-family neighborhood. South and west of the application area is the SF-5 zoned Cloud Elementary School. East of the site is an SF-5 zoned park, community center and swimming pool. West 26th Street North is a paved, two-lane local street with a 60-foot right of way.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Elementary school
EAST:	SF-5	Community center, park, swimming pool
WEST:	SF-5	Elementary school

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

UNIQUENESS: It is staff's opinion that this property is unique. The site is fully developed with a school and associated parking, playgrounds and athletic fields leaving the only available building site encroaching into the required building setback. This property is further unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Revitalization" area. The Plan recommends flexible building setback requirements in this area to encourage infill development and redevelopment.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a setback reduction would not adversely affect the rights of adjacent property owners. Property east of the site is developed with the Evergreen Community Center adjacent to the proposed building. The community center building is over 300 feet from the proposed medical clinic site and will not be

impacted by a setback reduction. Property north of the application area, across 26th Street North, is developed with single-family residences. 26th Street north has 15 feet of landscaped area between the paved street and the school property line. With a setback reduction placing the medical clinic eight feet from the property line, 23 feet of landscaped space will still exist between the clinic building and the 26th Street North pavement. Required landscaping will further ensure that the clinic setback reduction has no impact on residences across 26th Street North.

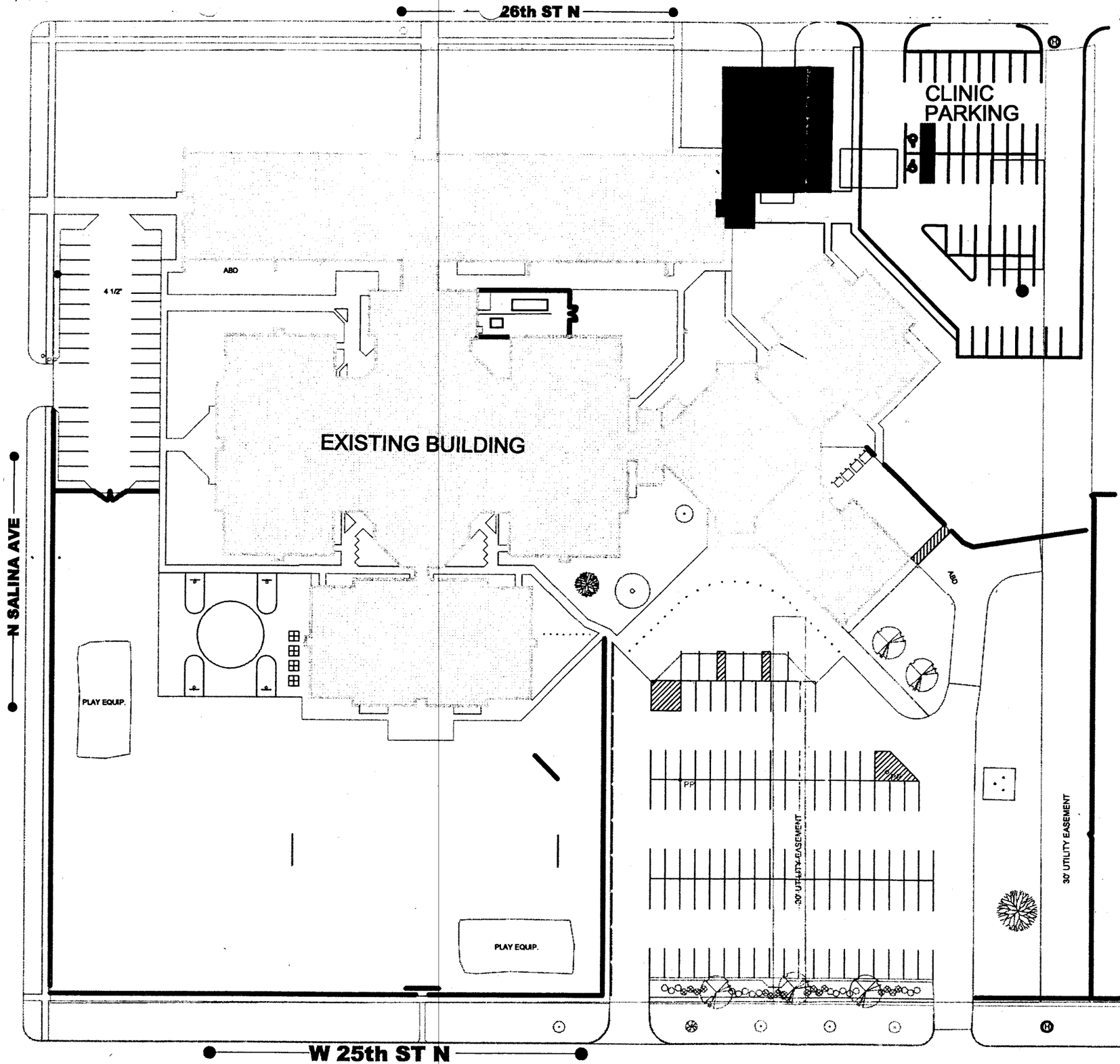
HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. The application area can only accommodate the proposed clinic building and associated parking if the requested setback variance is granted. Strict application of the Zoning Code building setback would prevent the addition of a needed clinic to this site.

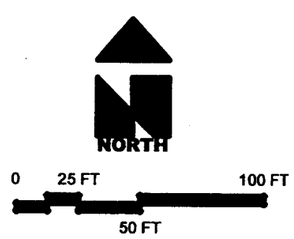
PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically recommends building setback flexibility in this neighborhood to accommodate facilities that serve the public interest.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Front building setbacks are intended to ensure separation between structures and streets, and to allow for open landscaped areas. Adequate separation between the clinic and the street will be maintained, and adequate open space is provided for in the immediate area.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the front setback requirement from 20 feet to eight feet is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall submit a landscape plan, to be approved by staff, meeting Landscape Code requirements.
3. The front setback reduction shall apply to the clinic structure shown on the site plan only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
4. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.





LEGEND - Site Utilities	
Description	Appearance
COMMUNICATIONS - Fiber Optics	
COMMUNICATIONS - Under	
ELECTRICAL - Above	
ELECTRICAL - Under	
FENCE	
FIRE WATER LINE	
GAS - FUEL	
GAS - NATURAL - Below	
PROPERTY & EASEMENT Lines	
SANITARY SEWER - Underground	
STORM WATER DRAIN - Under	
WATER - Underground	
all related equipment shall be continuous linetype	

315 CLOUD

Elementary School

1212 W 25TH ST N, WICHITA, KANSAS 67204