



**Wichita-Sedgwick County Metropolitan Area Planning Department**

March 27, 2013

Christian Ablah  
8110 E. 32nd Street North  
Wichita, KS, 67226

Ref: **BZA2013-00012**: Administrative Adjustment to increase the square footage of a restaurant by less than 10%, from 4,399-square feet (CON2012-00044) to 4,860-square feet; generally located on the northeast corner of Douglas and Oliver Avenues.

**Legal Descriptions**: Lot 19, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas.

Dear Applicants,

From reviewing your application and the recent case history on this development we understand that you are remodeling a building that had previously been used for retail, but now will include a restaurant. The building is located on the LC Limited Commercial ("LC") zoned Lot 19, Block 8, East Boulevard Addition. A restaurant (including a Drinking-Eating Restaurant) is permitted by right in the LC zoning district.

Your request is for approval of an Administrative Adjustment to increase the square footage of the restaurant by less than 10%, from 4,399-square feet to 4,860-square feet. CON2012-00044, a Conditional Use for Ancillary Parking in support of the restaurant, established the restaurant's size at 4,399-square feet; as approved at the November 15, 2012 Wichita – Sedgwick County Metropolitan Area Planning Commission (MAPC) and the January 8, 2013 Wichita City Council meetings. Your request increases the size of the restaurant by 461-square feet; an increase of approximately 9.48%.

You have stated that the restaurant will seat 209 customers, in reference to your proposed increase in the restaurant's size. The above stated seating capacity of the restaurant was the determining factor in BZA2012-00007, an Administrative Adjustment to reduce the parking requirement by approximately 11%. Your site plan for BZA2012-00007 was the first indication that the size of the restaurant did not match CON2012-00044's approved size. Further compounding this discrepancy was the restaurant's building plan submitted to the Wichita-Sedgwick County Metropolitan Area Building Code Department (MABCD) showing not the approved 4,399- square foot restaurant, but a restaurant with 4,860-square feet. The letter attached to the application states that the difference in size was due to "internal miscommunication during the public hearing process," which reduced what was originally a 5,092-square foot restaurant to 4,399-square feet at the podium; CON2013-00044. The letter also states that the building plans moved the devising wall, which resulted in the current 4,860-square foot restaurant and a decrease in the retail portion of the building.

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[www.wichita.gov](http://www.wichita.gov)

Per the Unified Zoning Code (UZC), Sec.V-D.13, the Planning Director shall not approve an Administrative Adjustment to a zoning standard or to a PUD, CUP, P-O, or CU if the proposed development:

a. Would adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area. The restaurant will seat a maximum of 209 customers. The stated seating capacity of the restaurant was the determining factor in the approval of BZA2012-00007, an Administrative Adjustment to reduce the parking requirement by approximately 11%. Regardless of the 461-square feet increase in size of the restaurant (an increase of approximately 9.48%) the maximum seating remains 209 seats, thus the increase in size does not increase traffic in the area.

b. Creates more adverse impacts on existing uses in surrounding areas than which reasonably might result from development of the site in strict compliance with the adjusted standard. A restaurant (including a Drinking-Eating Restaurant) is permitted by right in the LC zoning district. Prior to remodeling for the restaurant, the approximately 7,047-square foot commercial building on the site (Lot 19, Block 8, East Boulevard Addition) had 11 on-site parking spaces, which was half of the required parking. Subsequent approval of CON2012-00044 (Ancillary Parking in support of the redevelopment on the site) and VAC2012-00044 (vacation of an abutting east-west alley) addressed the needed parking by acquiring more land area. The additional parking with the conditions of the just stated cases can help ensure a minimum of adverse impact on the area, primarily by keeping parking off the abutting residential Glendale Avenue.

c. Would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted building height, setbacks and open spaces, bulk and scale, landscaping, parking or circulation features. Regardless of the 461-square feet increase in size of the restaurant (an increase of approximately 9.48%) the maximum seating remains 209 seats, thus it would seem that the increase in size does not increase traffic in the area. The design standards of CON2012-00044 minimize traffic circulating on Glendale Avenue by reducing the width of the intersection of the site's Glendale drive and making it for ingress only.

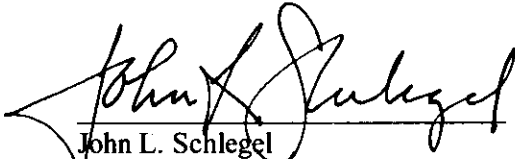
d. Will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for reasons specifically articulated by the Planning Director. The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria; A restaurant (including a Drinking-Eating Restaurant) is permitted by right in the LC zoning district. The restaurant will seat a maximum of 209 customers. Regardless of the 461-square feet increase in size of the restaurant (an increase of approximately 9.48%) the maximum seating remains 209 seats, thus the increase in size does not increase traffic in the area, which is the factor that impacts the health, safety or welfare or is materially injurious to properties in the area.

Our signatures below indicate that an Administrative Adjustment to increase the size of the restaurant from CON2012-00044's approved 4,399-square feet to 4,860-square feet, an increase of 461-square feet (approximately 9.48%) is hereby granted for the aforementioned property subject to the following conditions:

- 1) Maximum seating for the restaurant is 209 seats.
- 2) All the standards of BZA2012-0007, CON2012-00044 and VAC2012-00044 remain, with the exception of this Administrative Adjustment.

- 3) The site shall be developed in general conformance with the approved site plan.
- 4) All permits and inspections must be obtained and approved.
- 5) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

  
John L. Schlegel  
Planning Director

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Tom Stolz, Director - MABCD  
or  
Rick Stubbs, Asst. Director - MABCD

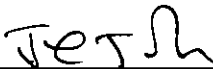
cc: Tom Stolz, Director – Wichita-Sedgwick County MABCD  
J.R. Cox, Wichita-Sedgwick County MABCD  
Paul Hays, Wichita-Sedgwick County MABCD  
W.G. Farha, 8100 E 22nd St N, Bldg 1700-2, Wichita, KS, 67226  
W.G. Enterprises LLC & Douglas Partners LLC, 8100 E 22nd St N, Bldg 1700-2, Wichita, KS, 67226  
Poe & Associates, c/o Tim Austin, 5940 E Central, Suite 200, Wichita, KS, 67208  
Citizens Bank of Kansas, 4820 E Douglas, Wichita, KS, 67208  
Lavonta Williams, CM District I  
LaShonda Ganes, NA District I

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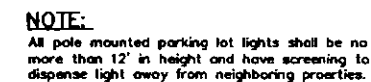
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SCALE

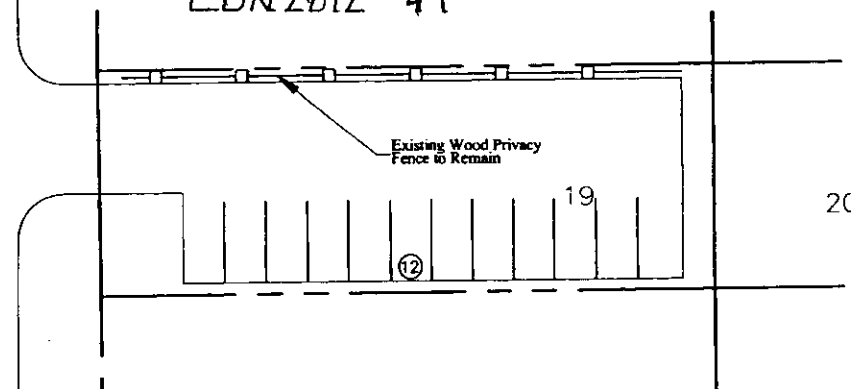
20 0 20 40

Scale: 1"=20'

Parcel Size = 36,155 Sq. Ft.



SOLID SCREENING Per: LON2012-44



BANK PARKING ONLY=9 SPACES

Lot 19 and  $\frac{1}{2}$  of the Voted Alley Adjoining  
Block 8, East Boulevard Addition

This site concept does not constitute a survey. Poe & Associates does not warrant the accuracy of the information shown hereon.

Date: March 19, 2013

DOUGLAS & OLIVER  
CONCEPT 9  
CITY OF WICHITA, KANSAS

**POE & ASSOCIATES OF KANSAS, INC.**  
CONSULTING ENGINEERS  
3940 E. Central, Suite 200 ■ Wichita, KS 67208-4242  
Phone 316/685-4114 ■ FAX 316/685-4444



|                                                          |                |
|----------------------------------------------------------|----------------|
| Assigned By: SS                                          | <b>CONCEPT</b> |
| Drawn By: SS                                             |                |
| Drawing: P:\3110\703-Douglas-Diner\Concept\concept10.dwg |                |