



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 29, 2005

Emad Barakeh
1200 E MacArthur
Wichita, KS 67216

Re: BZA2005-00044: Zoning Adjustment to waive the 25-foot compatibility setback between SF-5 and GC zoning.

Legal Description: Lot 1, Block 1, Wilson and Brown Addition, Wichita, Sedgwick County, Kansas. Generally located north of MacArthur and ¼ mile east of I-35 (KTA) (1200 E MacArthur).

Dear Mr. Barakeh

We have reviewed your request for a Zoning Adjustment to waive the compatibility setback on the above-referenced property. From reviewing your application we understand that you propose to construct a new building on GC zoned property with no setback from SF-5 zoned property. The SF-5 zoned property is under the same ownership as the GC property and is used for parking. Because Sec. IV-C.4. of the Unified Zoning Code requires a 25-foot compatibility setback from SF-5 zoned property, you have requested a Zoning Adjustment to waive the 25-foot compatibility setback.

Sec. V-I.2.d. of the Unified Zoning Code allows a Zoning Adjustment to reduce or waive the compatibility setback when the conditions required by Sec. V-I.6. are met. We find that waiving the compatibility setback on your property meets the four conditions required by Sec. V-I.6. of the Unified Zoning Code as set out below:

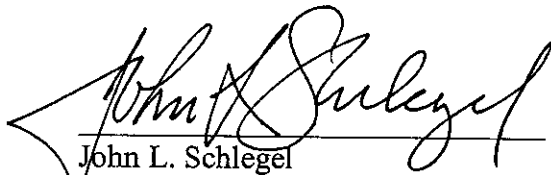
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is to waive a 25-foot compatibility setback between SF-5 and GC zoning in an area that does not provide vehicular or pedestrian access. Public vehicular and pedestrian circulation will not be affected.
- 2) Impact on existing uses in surrounding areas: The existing building setback will not change with the new building. Existing screening of GC property will be maintained, and required landscaping is planned on the proposed site plan. Waiver of the 25-foot compatibility setback should have no negative impacts on the existing uses in surrounding areas.

- 3) Compatibility with existing or permitted uses on abutting sites: Waiving the compatibility setback will have no change or affect on abutting sites.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should be no negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

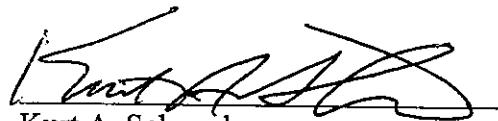
Our signatures below indicate that a Zoning Adjustment to waive the 25-foot compatibility for the aforementioned property is hereby GRANTED, subject to the following conditions:

- 1) The compatibility setback shall be waived only for the improvements shown on the approved site plan, and the site shall be developed in general conformance with the approved site plan.
- 2) 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

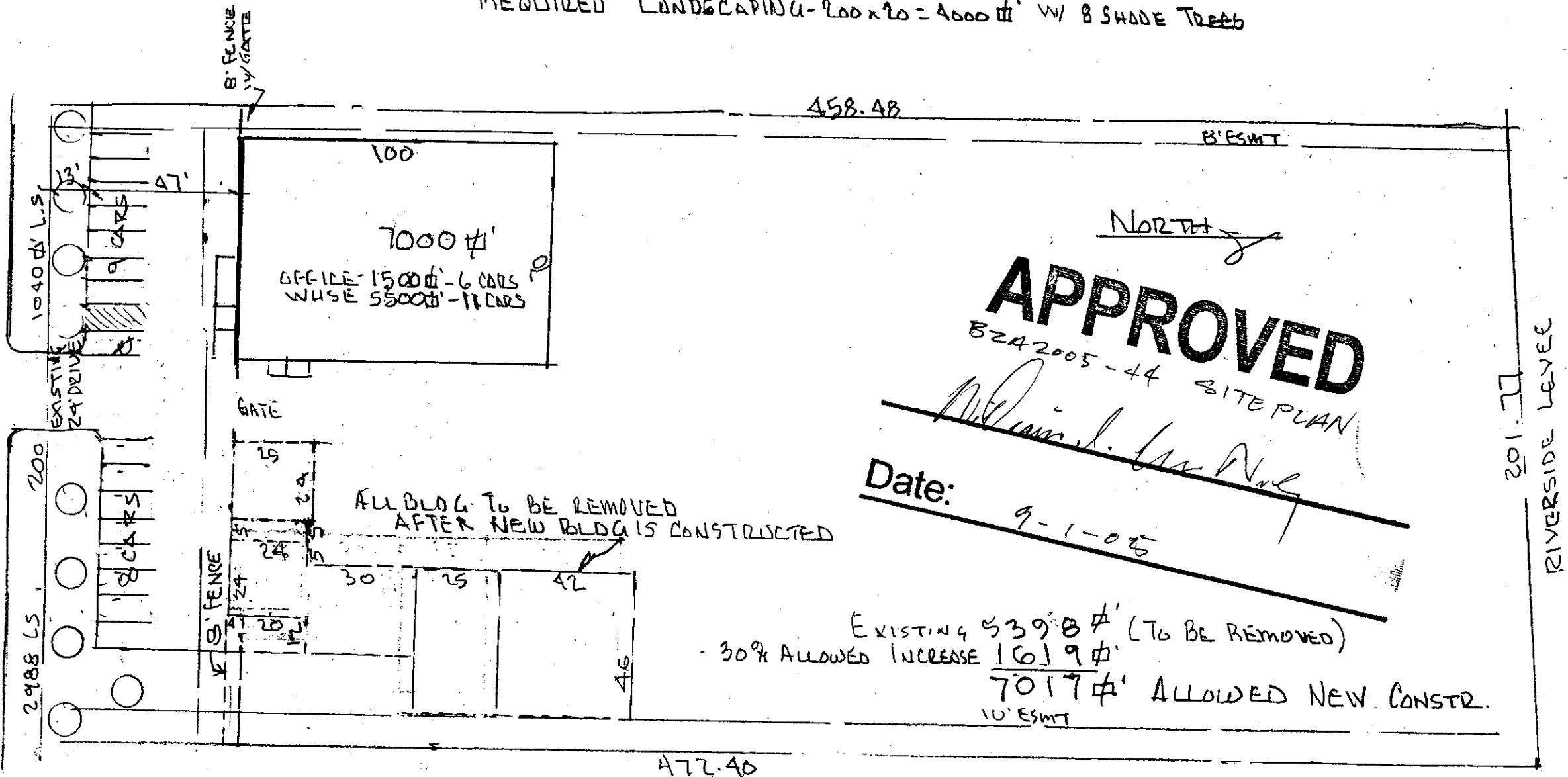


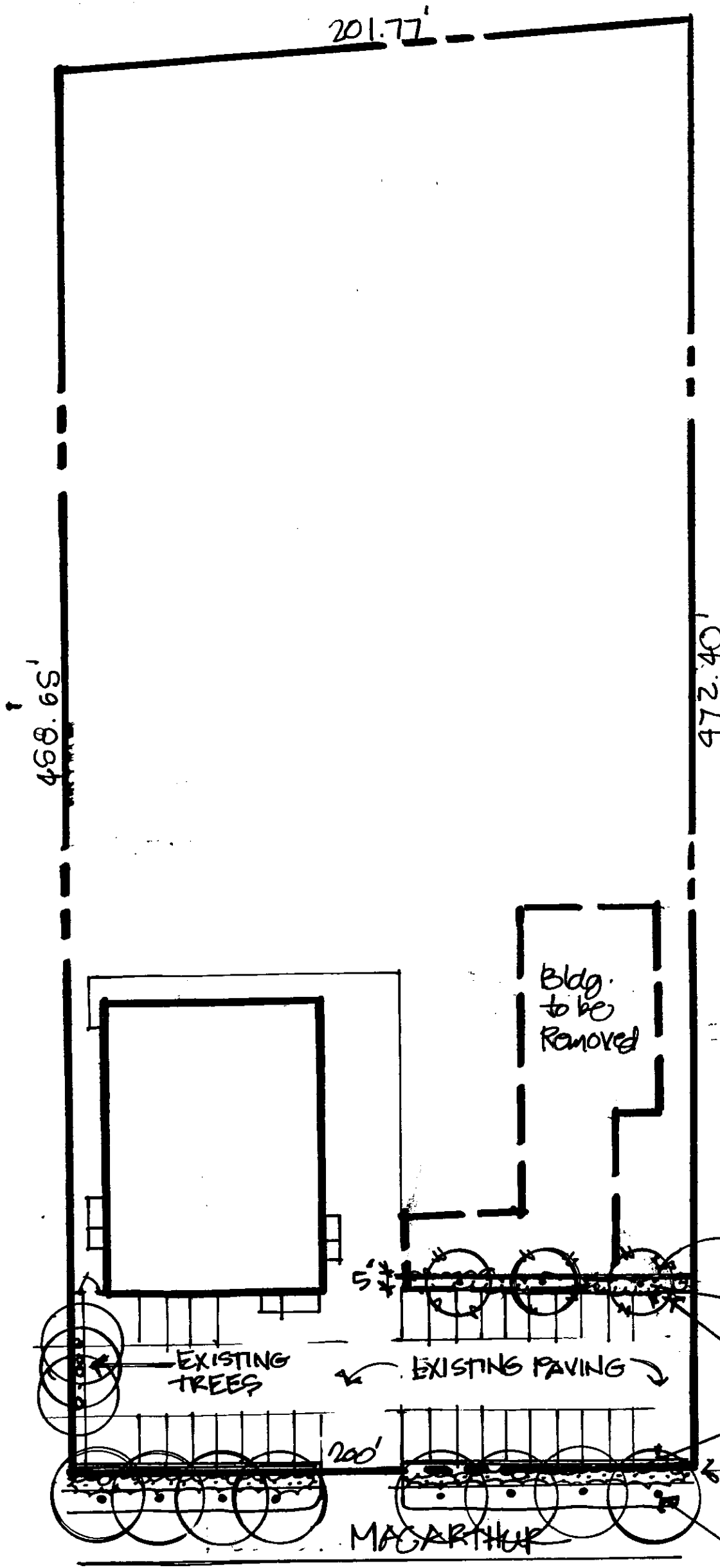
Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: John Tassett, 207 N. Pershing, Wichita, KS 67208
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection

REQUIRED LANDSCAPING - 200 x 20 = 4000 sq' w/ 8 SHADE TREES





REQ'D LANDSCAPING $200' \times 20' = 4000 \text{ SF}$
 $4000 \div 500 = 8 \text{ SHADE TREES}$
 PARKING LOT SCREENING

LANDSCAPE PLAN • 1200 E. MACARTHUR

Scale: 1" = 40'

Fidel 990-6951

BZA2005-44

LANDSCAPE PLAN

APPROVED 05/16/06 BY DS

See Attached Waiver

Copy 1 of 1

**CITY OF WICHITA
OFFICE OF CENTRAL INSPECTION
and
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

May 15, 2006

RE: Landscape Plan located at 1200 E. MacArthur (BLD2005-06720; BZA2005-00044)

This is regarding the Landscape Plan located at 1200 E. MacArthur (BLD2005-06729; BZA2005-00044) for construction of a new building as the first phase of improvements on a site with an existing salvage operation. A second phase would involve removal of the existing building. The property has a strip of SF-5 Single-family Residential zoning on the south and GC General Commercial on the balance of the tract. An administrative adjustment, BZA2005-00044, was granted to waive the compatibility setback for the GC property abutting the SF-5 property; the adjustment required development in general conformance to the site plan attached to the administrative adjustment. This plan showed the removal of a row of parking spaces and a 13-foot strip of landscaping along the southern property boundary.

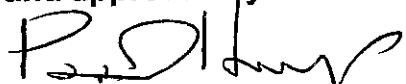
The landscape plan submitted instead placed the trees and shrubbery in the right-of-way rather than on the private property. A minor street privilege was sought and has been granted for this placement.

The eight (8) shade trees, which were planted already, comply with the number of trees required for the landscaped street yard. The shrubbery, which has been planted, meets its parking lot screening Landscape Ordinance requirement. However, the plan does not provide the 4,000 square feet of landscaped street yard onsite as required by the Landscape Ordinance.

The proposed plan shows a 5-foot strip onsite where the existing building is to be removed, with three additional ornamental trees and purple leaf wintercreeper, planted in front of a solid fence. The 500 square feet in this planting bed is substantially below the Landscape Ordinance landscaped street yard requirement of 4,000 square feet (12.5 percent). However, the circumstances in this case involve construction of the new building on the west half of the MacArthur frontage to replace an open salvage storage yard that has been out of compliance with the Unified Zoning Code with respect to screening, and a solid screening fence with some landscape softening on the east half of the MacArthur frontage. It keeps the existing paved parking area for parking spaces and locates the shade trees within the city right-of-way.

Based on this information, it has been determined that the Landscape Plan partially meets

the spirit and intent of the Landscape Ordinance and is approved with the condition that the planting bed on the north half of the property be increased to a minimum depth of 10 feet and the owner of the property remains responsible for continuing maintenance and replacement, if necessary, of trees and shrubbery in the right-of-way as approved by the minor street privilege. If the minor street privilege is revoked the owner would be responsible for removal of the parking spaces to locate the trees and shrubbery as shown on the site plan submitted with BZA2005-00044 and approved by the administrative adjustment.


FOR KURT SCHROEDER
Kurt A. Schroeder, Superintendent
of Central Inspection



John L. Schlegel, Director of Planning

cc: Paul Hays, Office of Central Inspection
Dale Miller, MAPD
Randy Sparkman, Office of Central Inspection
Herb Shaner, Office of Central Inspection