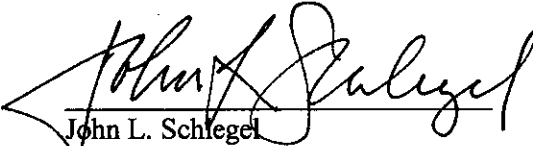


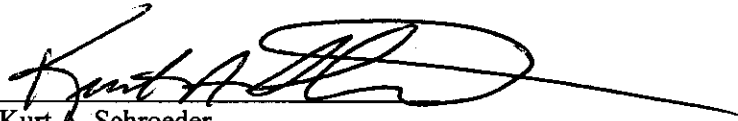
- 3) Compatibility with existing or permitted uses on abutting sites: Restaurant, retail, office, and accessory uses such as parking are permitted in the "GC" General Commercial zoning district, and reducing the compatibility setback and parking requirement should not compromise existing or permitted uses on abutting sites due to the minor nature of the reduction of the parking requirement.
- 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 a Zoning Adjustment to reduce the compatibility setback from 25 feet to 21 feet and to reduce the parking requirement from 54 spaces to 41 spaces is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) All parking areas shall be paved with asphalt or concrete and marked in general conformance with the approved site plan. The parking spaces shall not be used for the display of merchandise or vehicles for sale or rent.
- 3) Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent.
- 4) Building height shall be limited to 25 feet.
- 5) A landscape buffer shall be provided along the east property line at a rate of 1.5 times the planting material required by the Landscape Ordinance, with the additionally required planting materials being evergreen trees.
- 6) 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

cc: David E. Holt, Union Pacific Railroad, 1400 Douglas, Stop 1690, Omaha, NE 68179-1690
Darrell Leffew, Meridian Construction, 9908 Briarwood, Wichita, KS 67212
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Herb Shaner, Office of Central Inspection



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

June 20, 2005

Hung Phan
1556 N. Broadway
Wichita, KS 67214

Re: BZA2005-00027: Zoning Adjustment to reduce the compatibility setback from 25 feet to 21 feet and to reduce the parking requirement from 54 spaces to 41 spaces.

Legal Description: Lots 1, 2, 3, & 8, Walker Addition, Wichita Sedgwick County, Kansas together with a triangle-shaped unplatted tract described as beginning at the northwest corner of said Lot 2, thence west 60.60 feet, thence south 166.94 feet, thence northeasterly 177.59 feet to the point of beginning. Generally located north of 13th Street North and east of Broadway (1556 N. Broadway).

Dear Mr. Phan:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback and parking requirement for the aforementioned property. From reviewing your application, we understand that you propose to redevelop the existing commercial property by razing a restaurant building and constructing a new commercial strip center that will contain a restaurant and various retail and office uses. From reviewing your site plan, we understand that you propose to construct the commercial strip center four feet closer to the abutting property to the east than is permitted by the compatibility setback standards. We further understand that you propose to reduce the parking requirement for the commercial strip center by 25 percent. Therefore, you have requested an adjustment to reduce the compatibility setback from 25 feet to 21 feet and to reduce the parking requirement from 54 spaces to 41 spaces.

Sec. V-I.2.d. of the Unified Zoning Code allows a Zoning Adjustment to reduce or waive the compatibility setback and Sec. V-I.2.i. of the Unified Zoning Code allows an adjustment to reduce the parking requirement by up to 25 percent for remodeling/expansion projects when the four conditions required by Section V-I.6. of the Unified Zoning Code are met. We find that the proposed adjustments meet 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:** Flexibility is provided within the Code to allow for minor reductions of the parking requirement to encourage reuse of existing buildings. The extent of the parking requirement reduction is within allowable limits; therefore, sufficient on-site parking should be provided such that on-street parking for the building should not exceed the amount of on-street parking available.
- 2) **Impact on existing uses in surrounding areas:** The limitations on building design and height and the increased landscape buffer required as conditions of approval for the Zoning Adjustment should mitigate any negative impact on the existing uses in surrounding areas as a result of the reduction of the compatibility setback.

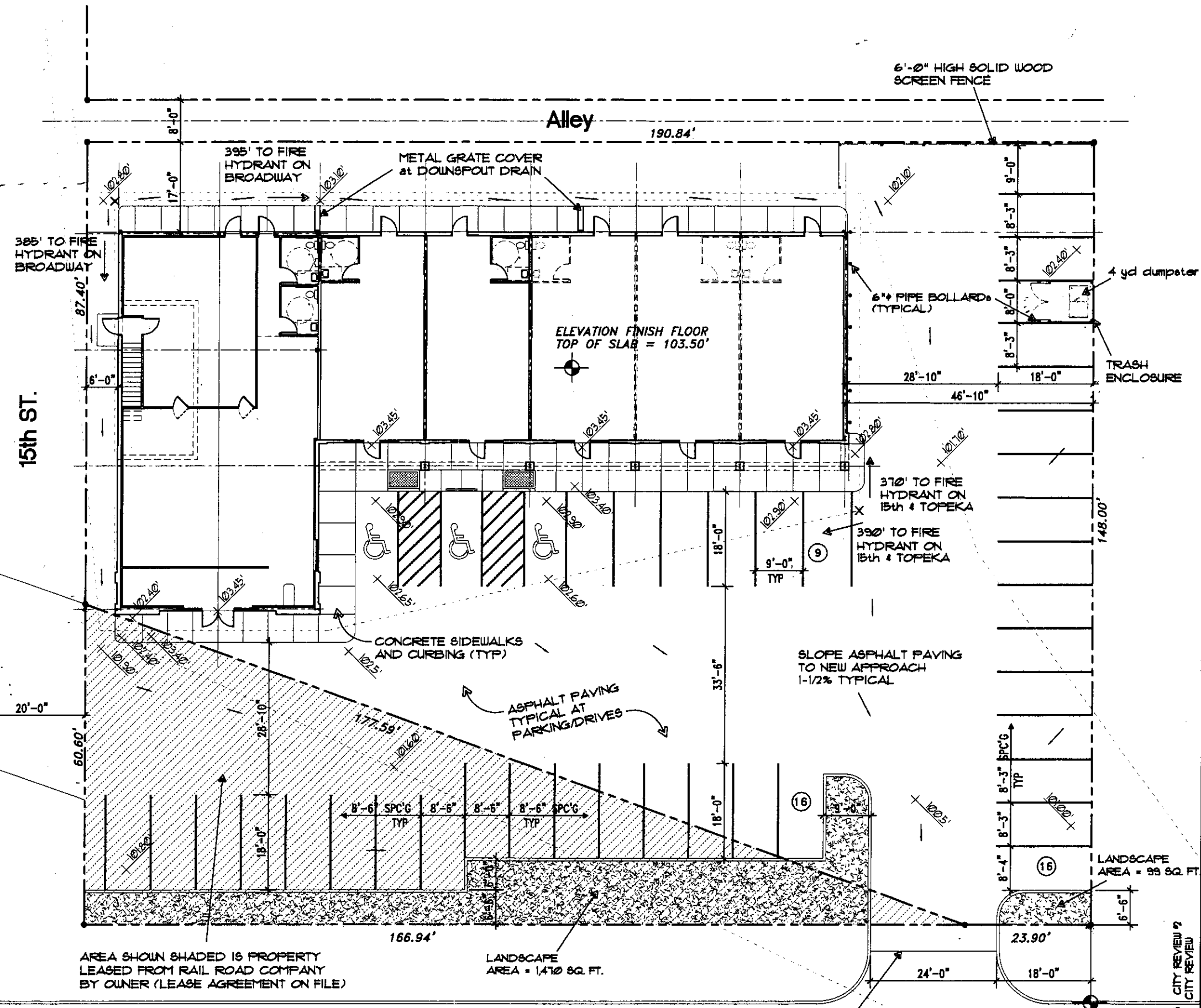
BZA 2005-00027

SITE PLAN

APPROVED 6-20-05 BY SK

LANDSCAPE AREA REQUIREMENTS	
FRONT PROPERTY LINE	190.84'
REQ'D LANDSCAPE AREA 190.84' x 8' =	1,527 SQ. FT.
LANDSCAPE AREA PROVIDED	1,568 SQ. FT.

OFFSTREET PARKING REQUIREMENTS	
RESTAURANT - 1 SPACE / 3 OCCUPANTS	
113 OCCUPANTS / 3 = 38 SPACES	
OFFICE / RETAIL 1 SPC / 250 SQ. FT.	
4000 SQ. FT. / 250 = 16 SPACES	
TOTAL SPC'S REQUIRED	54
25% REDUCTION REQUEST	(13)
SPACES REQUIRED w/ REDUCTION	41
TOTAL SPACES PROVIDED	41
HANDICAP SPC'S REQUIRED	3
HANDICAP SPACES PROVIDED	3



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R. TOM COMPTON
LICENSED
2688
KANSAS
PROFESSIONAL ARCHITECT

HUNG PHAN
RESTAURANT and STRIP MALL
1556 N. BROADWAY AVE.
WICHITA, KS
MERIDIAN CONSTRUCTION

project: -
date: 5 JUNE 05
drawn: TIM
checked: TIM
sheet title: SITE PLAN

sheet
C-1
of 1 sheets

REV. 2) 6/15/05
REV. 1) 6/15/05
CITY REVIEW 2
CITY REVIEW

A **SITE PLAN**
SCALE: 1" = 20'

Broadway Ave.

NEW APPROACH TO BE CONSTRUCTED
PER THE CITY OF WICHITA ENGINEERING
DEPARTMENT SPECIFICATIONS AND GUIDELINES

REFERENCE ELEVATION
TOP OF CURB = 100.00'