subject to the following condition:

1. The applicant shall obtain a building permit for the proposed additions to the hotel and shall comply with all applicable building and zoning codes, except that the number of parking spaces may be reduced to not less than 341.

2. The south driveway to Rock Road shall be maintained as a two-way drive.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1988.

Sharon Ryan, President

ATTEST:

Louise Olivarez, Assistant Secretary

RESOLUTION NO. BZA 29-88

WHEREAS, M.H.M. Properties, Inc. (Hilton Inn East), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirements from 358 spaces to 341 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

> Lot 3, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Kellogg and Rock Road.

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 June 28, 1988, 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 the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or the applicant inasmuch as the proposed building additions will not increase the hotel occupancy, because no additional hotel rooms, conference rooms or restaurant areas are being added; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as adequate parking can still be provided on site for all hotel needs, based on past occupancy rates and on the high percentage of business which arrives by airport van or tour bus, rather than private car; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a requirement to provide the full 358 parking spaces would necessitate the leasing of off-site spaces which would most likely never be used OR the proposed building additions would have to be scaled down or deleted, thus hindering this hotel in its effort to upgrade the facility and become more competitive with newer facilities in the area; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that adequate parking for the hotel's needs can be provided on site without utilizing adjacent public street rights-of-way or adjacent private parking lots; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as a reduction of only 5% in the parking requirement will still result in adequate parking being provided for this hotel; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the parking requirements from 358 spaces to 341 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

> Lot 3, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Kellogg and Rock Road.

THE CITY OF WICHITA

BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

July 1, 1988

Wilson-Darnell-Associates, P.A.
128 N. Oliver
Wichita, KS 67208

Re: BZA 29-88 - Variance to reduce parking at the Hilton Inn East

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 28, 1988. This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files. The approved site plan has been revised to show the south driveway on Rock Road to be a two-way drive.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: M.H.M. Properties, 549 S. Rock Road, Wichita, KS, 67207
Monty Robson, Superintendent of Central Inspection (w/site plan)
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

BACKGROUND: The applicant proposes to remodel the Hilton Inn East to include a lobby bar area and indoor pool which will add 5,829 sq. ft. of enclosed space to the building, thus requiring an additional 24 parking spaces over and above the 334 spaces now required. The site will permit only 341 spaces to be provided after these building additions are made, although 351 spaces are provided today. The hotel manager has stated that the proposed building additions will not have the effect of increasing the hotel occupancy and that the present parking has been more than adequate in the past. Almost 60% of the hotel's business comes from the airport (to which van service is provided) or from bus tours, according to the manager. There are 259 hotel rooms with a current occupancy rate in the low 40% range. The applicant is requesting a reduction of 17 in the number of required parking spaces (from 358 to 341 spaces).

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Retail commercial and motel
SOUTH	"AA"	One-family dwellings
EAST	"LC"	Retail commercial
WEST	"LC"	Office building

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the proposed building additions will not increase the hotel occupancy, because no additional hotel rooms, conference rooms or restaurant areas are being added.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as adequate parking can still be provided on site for all hotel needs, based on past occupancy rates and on the high percentage of business which arrives by airport van or tour bus, rather than private car.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as a requirement to provide the full 358 parking spaces would necessitate the leasing of off-site spaces which would most likely never be used OR the proposed building additions would have to be scaled down or deleted, thus hindering this hotel in its effort to upgrade the facility and become more competitive with newer facilities in the area.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as adequate parking for the hotel's needs can be provided on site without utilizing adjacent public street rights-of-way or adjacent private parking lots.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as a reduction of only 5% in the parking requirement will still result in adequate parking being provided for this hotel.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following condition:

1. The applicant shall obtain a building permit for the proposed additions to the hotel and shall comply with all applicable building and zoning codes, except that the number of parking spaces may be reduced to not less than 341.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 9
June 28, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 29-88

OWNER/APPLICANT/AGENT: M.H.M. Properties, Inc. (Hilton Inn East) (owner/applicant)
Wesley Darnell, A.I.A. (agent)

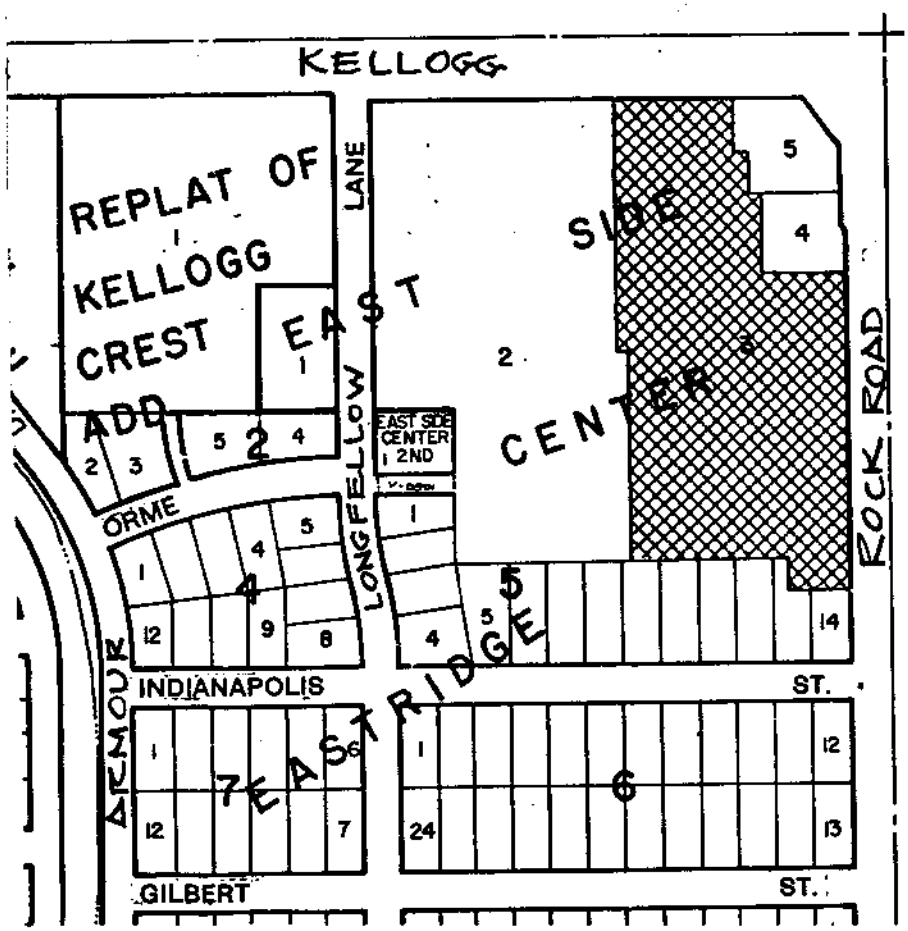
REQUEST: Variance to reduce the parking requirements from 358 spaces to 341 spaces.

CURRENT ZONING: "LC" Light Commercial with C.U.P.

SITE SIZE: 7.8 acres

LOCATION: South of Kellogg and west of Rock Road

PROPOSED USE: Hilton Inn hotel and parking lot



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 the State Statutes, are found to exist.