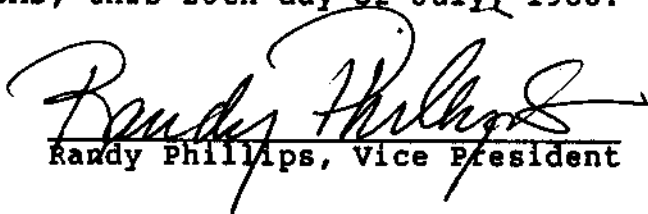


2. At any time the screening along the north becomes deteriorated or removed, it is the responsibility of the owner of this application area to meet the screening conditions of the ordinance.
3. Release of this resolution shall make null and void Resolution BZA 29-65.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1988.


Randy Phillips, Vice President

ATTEST:


Louise Olivarez, Assistant Secretary

RESOLUTION NO. BZA 34-88

WHEREAS, Williams Investment Group Ltd., d/b/a Quality Inn, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking from 228 spaces to 182 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The North 100 feet of Lot 3, except the West 155 feet thereof, and the West 155 feet of Lot 3 and all of Lot 4, all in Ruth Addition to the City of Wichita, Sedgwick County, Kansas (8300 E. Kellogg).

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 July 26, 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 new facilities are to be used by registered guests only, and their parking needs are already accommodated by the existing parking spaces; 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 motel needs and motel guests will not have to seek parking spaces on adjacent properties; 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 more parking than currently exists would prohibit any pool or other recreational facility enclosure and would thus hinder this motel in its efforts 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 to 182 spaces will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that adequate parking for the motel's needs can be provided on site without utilizing adjacent public street rights-of-way; 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 adequate parking can still be provided for this motel; 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.

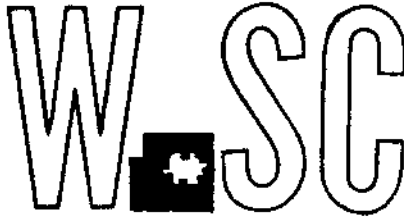
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the required parking from 228 spaces to 182 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The North 100 feet of Lot 3, except the West 155 feet thereof, and the West 155 feet of Lot 3 and all of Lot 4, all in Ruth Addition to the City of Wichita, Sedgwick County, Kansas (8300 E. Kellogg).

subject to the following condition:

1. The applicant shall obtain a building permit for the proposed pool enclosure and shall comply with all applicable building and zoning codes, except that the number of parking spaces may be reduced to not less than 182.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

July 28, 1988

David Williams
Box 20613
Wichita, KS 67208

Re: BZA 34-88 - Variance to reduce parking from 228 to 182
spaces (8300 E. Kellogg)

Dear Mr. Williams:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 26, 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.

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

If you have questions concerning this matter, please call our office.

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Williams Investment Group, Ltd., d/b/a Quality Inn, 8300 E.
Kellogg, Wichita, KS 67207
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

SPIRIT AND INTENT: It is the opinion of staff that the granting of a variance to 182 spaces would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate parking can still be provided for this motel.

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 a variance from 210 parking spaces to 182 parking spaces be granted, subject to the following condition:

1. The applicant shall obtain a building permit for the proposed pool enclosure and shall comply with all applicable building and zoning codes, except that the number of parking spaces may be reduced to not less than 182.

SECRETARY'S REPORT

CASE NUMBER: BZA 34-88

OWNER/APPLICANT/AGENT: Ramoka, Inc. (owner)
Williams Inv. Group Ltd., d/b/a Quality Inn
(applicant/contract purchaser)
D. Williams (agent)

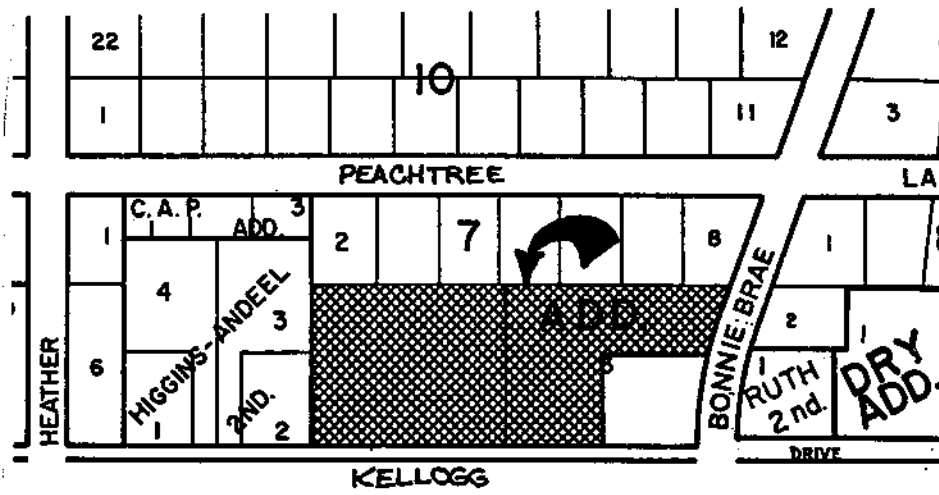
REQUEST: Variance to reduce the required parking from 210 spaces to 180 spaces

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 3.3 acres

LOCATION: North side of Kellogg in an area west of Bonnie Brae

PROPOSED USE: Enclosure of pool area at Quality Inn motel



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.

BACKGROUND: The applicant is the contract purchaser of the Quality Inn Motel at 8300 E. Kellogg, formerly the Ramada Inn East, and desires to enclose the existing pool area. Also, inside the new enclosed area will be two handball courts, an exercise room, sauna, whirlpool and video games. Several parking spaces (approximately 8) will be deleted by the proposed enclosure, but several new ones can be added elsewhere. After an on-site inspection by the Traffic Engineer, it is apparent that only 176 approved spaces could be provided if the size enclosure currently proposed is constructed, unless the driveway between the motel and the service station adjacent to the east is closed, in which case an additional 4 to 6 spaces could be provided. If only the existing pool area were to be enclosed, without providing the other proposed recreational facilities, the parking lot as it exists today could remain exactly the same.

According to Central Inspection, based on the number of motel units and the existing commercial area, 182 parking spaces are currently required. The proposed enclosure would require an additional 28 spaces for a total of 210 spaces. The applicant contends that he has more than ample parking for his current needs and that the new facilities will be used only by registered motel guests whose parking needs are already met by the one space per room requirement.

Staff is of the opinion that 28 additional parking spaces are unnecessary, but that the presently required number of 182 spaces should continue to be provided.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwellings
SOUTH	"LC"	Shopping center
EAST	"LC"	Service station
WEST	"LC"	Restaurant and motel

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the proposed building additions will not increase the need for parking, as the new facilities are to be used by registered guests only, and their parking needs are already accommodated by the existing parking spaces.

ADJACENT PROPERTY: It is the opinion of staff that the granting of a variance from 210 to 182 parking spaces will not adversely affect the rights of adjacent property owners inasmuch as adequate parking can still be provided on site for all motel needs and motel guests will not have to seek parking spaces on adjacent properties.

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 more parking than currently exists would prohibit any pool or other recreational facility enclosure and would thus hinder this motel in its efforts to upgrade the facility and become more competitive with newer facilities in the area.

PUBLIC INTEREST: It is the opinion of staff that a variance from 210 to 182 parking spaces would not adversely affect the public interest inasmuch as adequate parking for the motel's needs can be provided on site without utilizing adjacent public street rights-of-way.