

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 conditions:

1. The reduction in the required number of parking spaces to 115 spaces shall apply to only the office building shown on the site plan submitted with this application and any additional buildings constructed on either Lot 1 or Lot 2, Country Club Park Addition, shall provide parking as required by code or as may be varied by this Board.
2. The areas identified on the site plan as "parking area to be reduced by application for variance" shall remain as open or landscaped space so that they will be available for future parking for this office building, if needed.
3. Any major change in this office building which substantially reduces the size of the offices or creates substantially more offices by reducing the space devoted to circulation, common areas, or private health/exercise facilities, shall require additional parking as specified in the zoning code.

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 5

March 28, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 9-89

OWNER/APPLICANT/AGENT: Country Club Park Assoc. (owners/applicants)
Gossen Livingston Assoc., P.A. (agent)

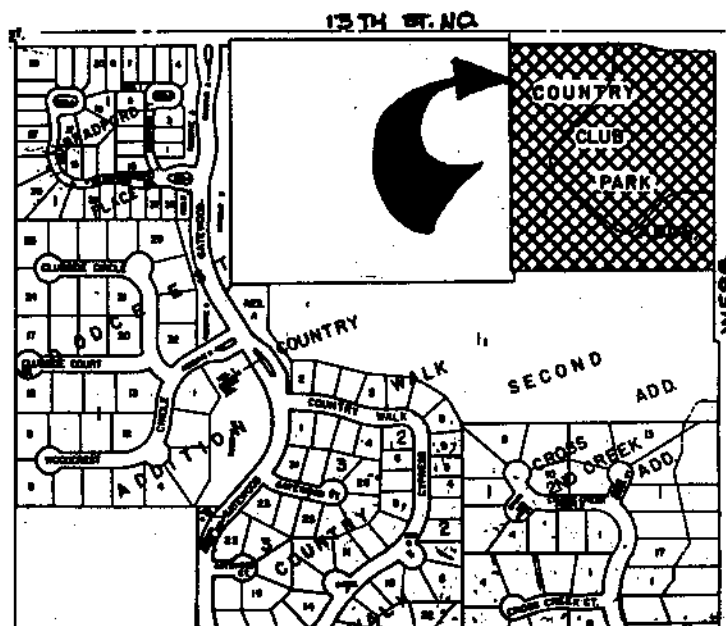
REQUEST: Variance to reduce the parking requirement
from 184 to 115 spaces.

CURRENT ZONING: "LC" Light Commercial & "BB" Office Districts

SITE SIZE: 15 acres

LOCATION: Southwest corner of 13th & Webb Road.

PROPOSED USE: Office building



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 applicants are requesting a reduction in the required number of parking spaces from 184 to 115 for a proposed 46,000-square-foot office building to be built at the southwest corner of 13th and Webb. There is sufficient area on the property to provide 184 spaces, but the owners do not think there is a need for that many spaces, as there will be fewer employees than normal for an office building of this size. Over 10,000 square feet of the building will be devoted to circulation and common spaces and to health/exercise facilities for the 65 employees. There will be only 12,500 square feet of unfinished leasable space. The applicants propose to provide parking based on 1 space per employee (65), plus 1 space per 250 square feet of unfinished leasable space (50), for a total of 115 parking spaces.

ADJACENT ZONING AND LAND USE:

NORTH	"LC" & "R-1"*	Undeveloped
SOUTH	"AA"	Undeveloped
EAST	"E"*	Open space/employee park for Beech
WEST	"R-1"*	Private school

*Designates County zoning; all other zoning is City.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the number of employees will be fewer than normal, due to the design and use of the building.

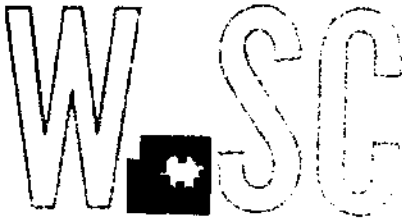
ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as there is sufficient room on the property to provide additional parking should the need arise, and there are no adjacent streets on which overflow parking could occur to inconvenience adjacent property owners.

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 approximately 16,000 square feet of additional asphalted area would be required which would not be utilized and which would take up space which could otherwise be devoted to landscaping.

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

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 the intent of the ordinance is to provide adequate off-street parking for all types of uses and 115 spaces will be adequate for the type of use proposed on this site.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4581

April 10, 1989

Tom Montgomery
Gossen Livingston Assoc.
420 S. Emporia
Wichita, KS 67202

Re: BZA 9-89 - Variance to reduce the parking requirement from
184 to 115 spaces, located at the SW corner of 13th & Webb.

Dear Mr. Montgomery:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 28, 1989. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

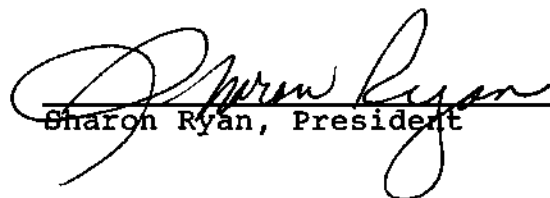
cc: Stan Gegen, Country Club Park Associates, c/o Devlin
Enterprises, Box 782170, Wichita, KS 67278
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

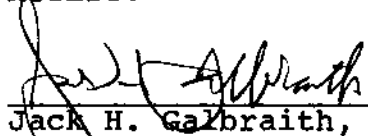
subject to the following conditions:

1. The reduction in the number of parking spaces required to be constructed at this time to 115 spaces shall apply to only the office building shown on the site plan submitted with this application and any additional buildings constructed on either Lot 1 or Lot 2, Country Club Park Addition, shall provide parking as required by code or as may be varied by this Board.
2. The areas identified on the site plan as "parking area to be reserved by application for variance" shall remain as open or landscaped space so that they will be available for future parking for this office building, if needed.
3. Any change in this office building which reduces the size of the offices or otherwise creates a need for more parking shall require additional paved parking as specified in the zoning code.

ADOPTED AT WICHITA, KANSAS, this 28th day of March, 1989.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 9-89

WHEREAS, Country Club Park Associates, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 184 to 115 spaces on property zoned the "LC" Light Commercial and "BB" Office Districts and legally described as follows:

Lots 1 and 2, Country Club Park Addition,
Wichita, Kansas. Generally located at the
southwest corner of 13th and Webb 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 March 28, 1989, 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 number of employees will be fewer than normal, due to the design and use of the building; 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 there is sufficient room on the property to provide additional parking should the need arise, and there are no adjacent streets on which overflow parking could occur to inconvenience adjacent property owners; 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 approximately 16,000 square feet of additional asphalted area would be required which would not be utilized and which would take up space which could otherwise be devoted to landscaping; 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 this office building's needs can be provided on site without utilizing adjacent 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 the intent of the ordinance is to provide adequate off-street parking for all types of uses and 115 spaces will be adequate for the type of use proposed on this site at this time; 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 number of parking spaces required to be constructed at this time to 115 spaces on property zoned the "LC" Light Commercial and "BB" Office Districts and legally described as follows:

Lots 1 and 2, Country Club Park Addition,
Wichita, Kansas. Generally located at the
southwest corner of 13th and Webb Road.