3. This resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
April 26, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 6-94

APPLICANT: Arkansas River Foundation, Inc.

OWNER: City of Wichita

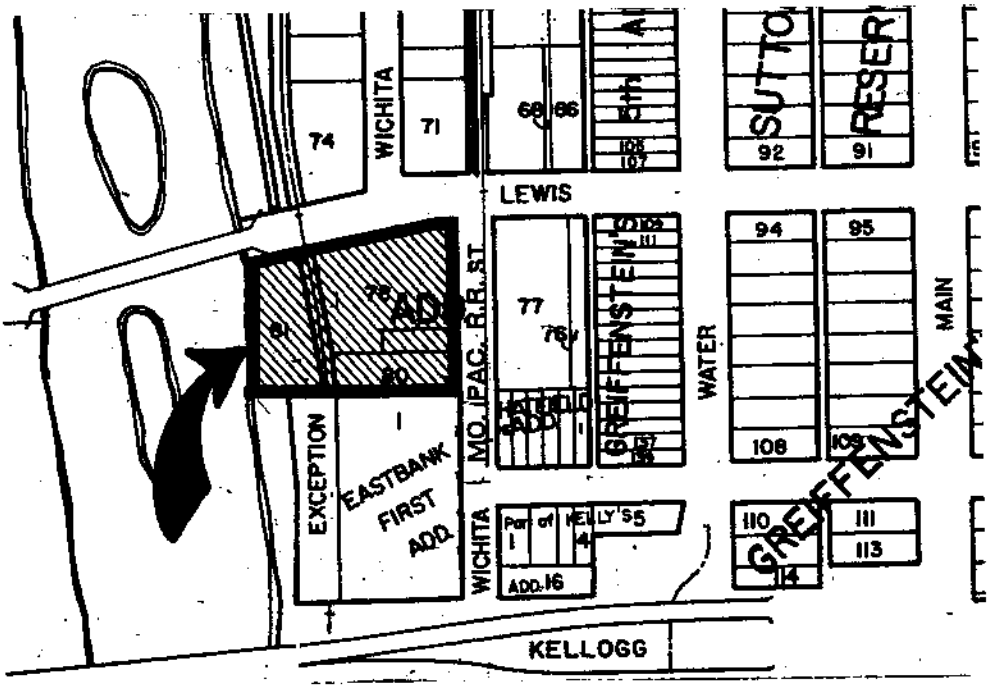
AGENT: Dan Clothier

REQUEST: Variance to reduce the parking requirement from 301 to 56 parking spaces.

CURRENT ZONING: "E" Light Industrial District.

SITE SIZE: Approximately one acre.

LOCATION: Southwest corner of Lewis Street and Wichita Street.



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 State Statutes, are found to exist.

BACKGROUND: In June 1993, the applicant, Arkansas River Foundation, Inc., leased the building and land at 335 West Lewis Street from the City of Wichita for a period of twenty years. The building and grounds were to be remodeled and used as a public boathouse and Arkansas River Museum. The Arkansas River Foundation, a charitable, nonprofit, tax exempt foundation will operate the Wichita Boathouse and in doing so will conduct a variety of activities on the site which includes educational programs, exhibitions, catered meetings and retail sales.

The Office of Central Inspection has determined that the parking space requirements for the proposed uses within the structures on the boathouse site is 301. The existing site can provide only 56 parking spaces. The Wichita Boathouse is being developed in the downtown area where the City of Wichita is requesting development proposals for a convention hotel and other uses which will include additional parking facilities. The City of Wichita is presently exploring the possibility of developing 90 parking spaces under the Kellogg flyover south of the application area adjacent to Wichita Street. If the use of approximately 90 off-site spaces can be obtained, that number plus 56 on-site spaces would provide parking for approximately 450 people, based on 3 people per car. For many activities at the Boathouse, this will be ample parking. However, for major events where the anticipated occupancy of the Boathouse will exceed 450 at any one time, more parking may be needed. Unless major events are scheduled at Century II/Expo Hall at the same times, there would likely be spaces available in the south Century II lots for overflow parking. Coordination between Century II and the Boathouse on the scheduling of major events would assure that adequate parking is available.

The applicant, Arkansas River Foundation Inc., and the City of Wichita are in discussions to assure additional off-site parking for Boathouse visitors. The items being discussed include the sharing of public parking spaces adjoining Century II, new parking spaces to be developed by the City in conjunction with East Bank Development; and parking proposed to be developed under the Kellogg flyover.

ADJACENT ZONING AND LAND USE:

NORTH:	"E "	Century II Parking Area
SOUTH:	"E"	Construction Storage
EAST:	"E"	Warehouse-Drinking Establishment
WEST:	"River"	Arkansas River

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as when the site was originally developed it was not necessary to provide off street parking requirements to the degree presently required, therefore, the building site does not have sufficient space to provide the required parking on site.

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 additional parking spaces can be provided by acquiring spaces off site and agreements can be entered into which will coordinate activities demanding parking in the general area.

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 there is no available land on the application site or contiguous to the application site which can be acquired to develop more on site parking spaces.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as by coordinating activities with Century II and acquiring extra off-site parking spaces from the City of Wichita or other land owner, the parking needs of the public will be met and the public should not be inconvenienced.

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 parking needs of the site will be provided albeit not directly on the site.

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. Within 60 days after the approval of this variance, the applicant shall enter into an agreement with the City of Wichita or another party to provide at least 90 off-site parking spaces within 600 feet of the application area.

2. The applicant shall not be permitted to schedule events that result in a total occupancy of over 450 people at the boathouse without the written approval of Century II Director, based on the ~~Director~~'s determin~~ation~~ that events previously scheduled at Century II/Expo Hall would not be over burdened by large scale events at the boathouse.

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

Sincerely yours,

Lawrence P. Mitchell, Sr. Planner
Board of Zoning Appeals

LPM/jdp

cc: Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
CAMA Files

SEDGWICK COUNTY

Blind Copy
C.C to Jim Hess
CII

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

April 27, 1994

Mr. Dan Clothier
225 N. Market Suite 333
Wichita, KS 67202

Re: BZA 6-94 - Variance to reduce the parking requirement from 301 spaces to 56 spaces for the Wichita Boathouse at 335 Lewis.

Dear Mr. Clothier:

At the regular meeting of the Board of Zoning Appeals on April 26, 1994, your request for a parking variance was considered. It was the action of the Board to grant the request, subject to the following conditions:

1. Within 60 days after the approval of this variance, the applicant shall enter into an agreement with the City of Wichita or another party to provide at least 90 off-site parking spaces within 600 feet of the application area. The 60 day time limit may be extended by the BZA at the applicants request.

2. The applicant shall not be permitted to schedule events that result in a total occupancy of over 450 people at the boathouse without the written approval of Century II Director, based on the Director's determination that events previously scheduled at Century II / Expo Hall would not be over burdened by large scale events at the boathouse. The Century II Director's decision shall be subject to appeal to the City Manager.

3. This resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

The resolution setting forth the official action of the Board is being prepared and will be released upon compliance with condition number one. Please furnish one copy of the executed agreement for our files.

Lots 78, 79, 80 and 81, of the River Addition, to the City of Wichita, Sedgwick County, Kansas, together with all abandoned railroad right-of-way lying between the east lines of said lots on the east and the east high bank line of the Arkansas River on the west.

subject to the following conditions:

1. Within 60 days after the approval of this variance, the applicant shall enter into an agreement with the City of Wichita or another party to provide at least 90 off-site parking spaces within 600 feet of the application area. The 60 day time limit may be extended by the BZA at the applicants request.

2. The applicant shall not be permitted to schedule events that result in a total occupancy of over 450 people at the boathouse without the written approval of Century II Director, based on the Director's determination that events previously scheduled at Century II / Expo Hall would not be over burdened by large scale events at the boathouse. The Century II Director's decision shall be subject to appeal to the City Manager.

3. This resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 26th day of April, 1994.

Susan Osborne-Howes, Vice President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 6-94

WHEREAS, Arkansas River Foundation, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 301 to 56 parking spaces on property zoned "E" and legally described as follows:

> Lots 78, 79, 80 and 81, of the River Addition to the City of Wichita, Sedgwick County, Kansas, together with all abandoned railroad right-of-way lying between the east lines of said lots on the east and the east high bank line of the Arkansas River on the west.

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 April 26, 1994, 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 owners or the applicant inasmuch as when the site was originally developed it was not necessary to provide off-street parking requirements to the degree presently required, therefore, the building site does not have sufficient space to provide the required parking on site; 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 additional parking spaces can be provided by acquiring spaces off site and agreements can be entered into which will coordinate activities demanding parking in the general area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as there is no available land on the application site or contiguous to the application site which can be acquired to develop more on-site parking spaces; 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, inasmuch as by coordinating activities with Century II and acquiring extra off-site parking spaces from the City of Wichita or other land owner, the parking needs of the public will be met and the public should not be inconvenienced; 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 the zoning ordinance inasmuch as the parking needs of the site will be provided,albeit not directly on the site; 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 requirement from 301 to 56 parking spaces on property zoned "E" and legally described as follows: