

BZA 9-91 Secretary's Report
Page 3

user other than Rent-A-Center, the building will likely remain vacant indefinitely or 8,700 square feet of the building will have to be demolished so that the remaining 31,500-square-foot structure will have the amount of parking required by code, or additional land must be purchased nearby to provide additional parking.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the existing 126 parking spaces should be adequate for any general office use permitted in the "BB" district with the restrictions on expansion and conversion of the basement area, as specified in the conditions of approval.

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 number of parking spaces required by ordinance is basically being reduced by the amount of building space devoted to non-person-generating uses.

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 applicant shall provide not less than 126 parking spaces on site in compliance with the site plan submitted with the application.
2. The building shall not be enlarged beyond its current size of 40,200 square feet, nor shall the existing employee health club, storage area and other non-person-generating uses in the basement (totaling approximately 7,500 sq. ft.) be converted to office space, unless additional parking can be provided as required by code.
3. This variance shall be valid for any general office use (i.e., administrative, business or professional offices) permitted in the "BB" district. Other types of uses shall provide parking as required by code.
4. Employees at the business located on this lot shall not be permitted to park on Boston Circle or Goebel Avenue.
5. If parking regulations change so that the number of spaces provided meets code requirements, this resolution and its accompanying conditions of approval shall be null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5

May 28, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 9-91

OWNERS/APPLICANTS: Rent-A-Center and DP-Tek

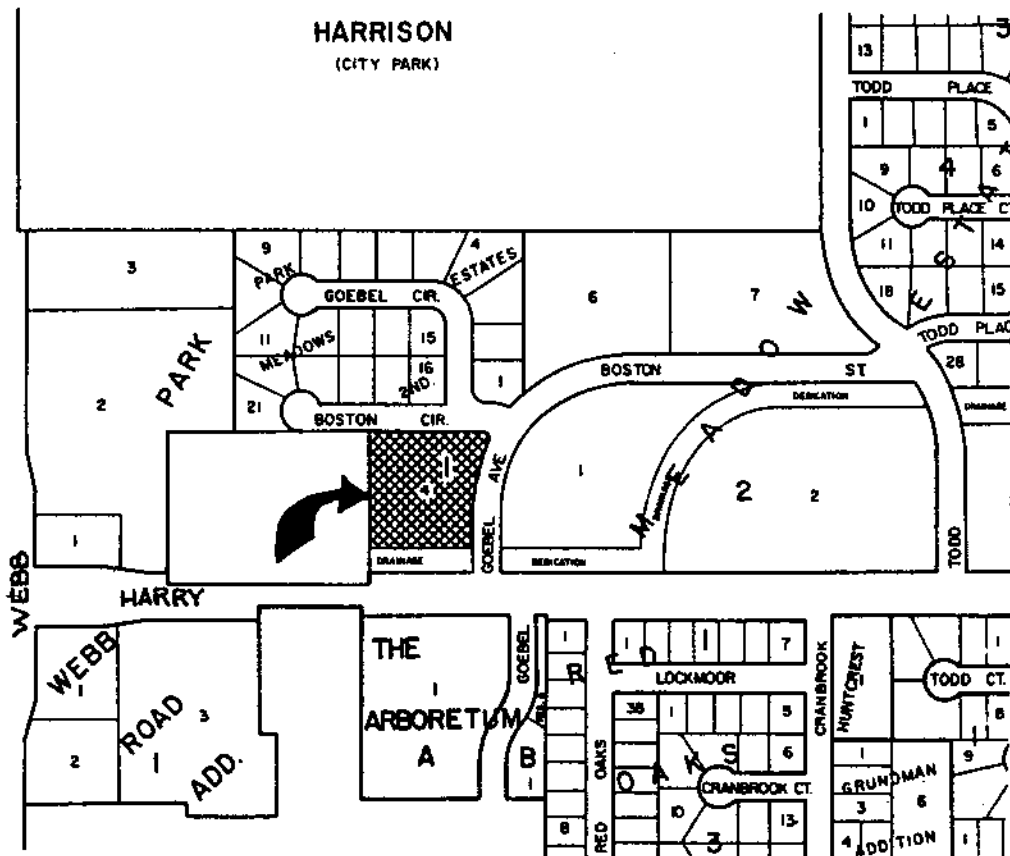
REQUEST: Variance to reduce the required number of parking spaces from 161 to 126.

CURRENT ZONING: "BB" Office District

SITE SIZE: 250 ft. x 282 ft.

LOCATION: Northwest corner of Harry and Goebel (9920 E. Harry)

PROPOSED USE: Computer research and development corporation offices



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: In 1984, prior to an approximate 86% expansion of the existing building to 40,200 square feet, Rent-A-Center requested and received a parking variance from 161 to 126 spaces. Justifications for the reduction centered on the use of about 7,500 square feet of basement area for such things as storage, mechanical equipment, and an employee health club which were non-people-generating uses. However, the variance was made applicable to Rent-A-Center only. Rent-A-Center offices have now relocated and this building has been vacant since last fall. DP-Tek, a computer research and development firm, has a contract to purchase the property if the parking variance can be approved to run with the land and not be limited to Rent-A-Center or even to DP-Tek.

There was and is no additional area on the property which can be used for parking. The applicants have investigated the possibility of rerouting or encasing the adjacent drainage ditch south of this lot so that this area could be paved, but that would not be feasible. Rent-A-Center had at one time discussed buying additional land to the west, but felt the cost was too high. The 7,500 square feet of basement storage, equipment and health club are to remain essentially unaltered. The number of DP-Tek employees is currently 35 with a two-year projected increase of 30 to 40 more, whereas Rent-A-Center employees numbered about 100. If amendments to the parking code are adopted as currently proposed, a 40,200-square-foot general office building would be required to provide only 129 parking spaces (1 per 300 sq. ft. of first 30,000 sq. ft.; 1 per 350 sq. ft. of additional area). The current requirement is 1 space per 250 square feet of building area.

ADJACENT ZONING AND LAND USE:

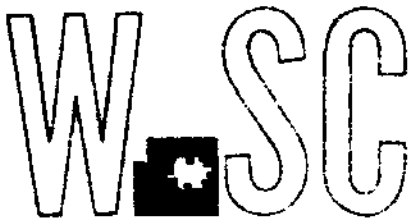
NORTH	"A"	Duplexes
SOUTH	"BB" & "C"	Nursery and garden center
EAST	"R-5"	Residential condominiums
WEST	"R-1" (County)	Undeveloped

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the building includes a large employee health club in the basement, as well as storage space and mechanical equipment, which do not generate a need for vehicular parking spaces.

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 due to the non-people-generating uses of 7,500 square feet of the building, the 126 existing parking spaces should be sufficient to accommodate all employee and customer vehicles without having to utilize adjacent public streets for parking.

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 the 40,200-square-foot building has already been allowed to be constructed, based on a 1984 parking variance, and without this variance being made applicable to a

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4661

June 6, 1991

Kirk Peterson, Facilities Manager
Rent-A-Center
8200 Rent-A-Center Drive
Wichita, KS 67226

Re: BZA 9-91 - Variance to reduce the required number of parking spaces from 161 to 126 on property zoned "BB" Office, located on the northwest corner of Harry and Goebel (9920 East Harry).

Dear Mr. Peterson:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on May 28, 1991. 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
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Bob Harbison, DP-Tek, 3031 W. Pawnee, 67213
Michelle Hudson, 2628 S. Oliver, Suite 104, 67210
Paul Hays, OCI
Lance Flowers, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

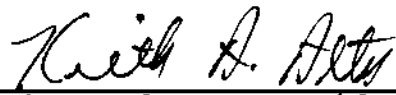
FILE COPY

Lot 4, Block 1, Park Meadow Estates, Sedgwick County, Kansas. Generally located at the northwest corner of Harry and Goebel (9920 E. Harry).

subject to the following conditions:

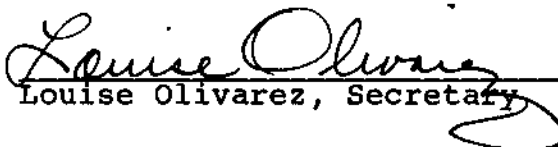
1. The applicant shall provide not less than 126 parking spaces on site in compliance with the site plan submitted with the application.
2. The building shall not be enlarged beyond its current size of 40,200 square feet, nor shall the existing employee health club, storage area and other non-person-generating uses in the basement (totaling approximately 7,500 sq. ft.) be converted to office space, unless additional parking can be provided as required by code.
3. This variance shall be valid for any general office use (i.e., administrative, business or professional offices) permitted in the "BB" district. Other types of uses shall provide parking as required by code.
4. Employees at the business located on this lot shall not be permitted to park on Boston Circle or Goebel Avenue.
5. If parking regulations change so that the number of spaces provided meets code requirements, this resolution and its accompanying conditions of approval shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of May, 1991.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

*Superseded
BZA 12-84*

BZA RESOLUTION NO. 9-91

WHEREAS, Rent-A-Center and DP-Tek, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required number of parking spaces from 161 to 126 on property zoned the "BB" Office District and legally described as follows:

Lot 4, Block 1, Park Meadow Estates, Sedgwick County, Kansas. Generally located at the northwest corner of Harry and Goebel (9920 E. Harry).

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 May 28, 1991, 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 building includes a large employee health club in the basement, as well as storage space and mechanical equipment, which do not generate a need for vehicular 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 due to the non-people-generating uses of 7,500 square feet of the building, the 126 existing parking spaces should be sufficient to accommodate all employee and customer vehicles without having to utilize adjacent public streets for parking; 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 the 40,200-square-foot building has already been allowed to be constructed, based on a 1984 parking variance, and without this variance being made applicable to a user other than Rent-A-Center, the building will likely remain vacant indefinitely or 8,700 square feet of the building will have to be demolished so that the remaining 31,500-square-foot structure will have the amount of parking required by code, or additional land must be purchased nearby to provide additional parking; 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 the existing 126 parking spaces should be adequate for any general office use permitted in the "BB" district with the restrictions on expansion and conversion of the basement area, as specified in the conditions of approval; 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 number of parking spaces required by ordinance is basically being reduced by the amount of building space devoted to non-person-generating uses; 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 number of parking spaces from 161 to 126 on property zoned the "BB" Office District and legally described as follows: