

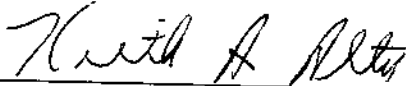
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the parking spaces from 243 spaces to 158 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Lots 1 thru 4, inclusive, Block B, R.J. Dougherty Addition together with Lot 1, Sanderson Addition together with Lot 1, Townsend Addition. Generally located north of Harry between Florence and West Street (1522 S. Florence).

subject to the following conditions:

1. The parking reduction from 243 spaces to 158 spaces applies to buildings with no more than 192,783 square feet (19,892 square feet office; 61,577 square feet manufacturing; and 111,314 square feet warehouse) which will be used for production and storage and which employ no more than 158 employees on any shift or to a use which requires no more than 158 parking spaces.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
3. BZA 16-95 is hereby declared null and void.
4. The resolution authorizing this variance 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 17th day of December, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 38-96

WHEREAS, Phil Ruffin, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 243 spaces to 158 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Lots 1 thru 4, inclusive, Block B, R.J. Dougherty Addition together with Lot 1, Sanderson Addition together with Lot 1, Townsend Addition. Generally located north of Harry between Florence and West Street (1522 S. Florence).

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 December 17, 1996, 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 it is developed with a manufacturing activity that requires a large space for production and storage but which has relatively few employees per square foot; and

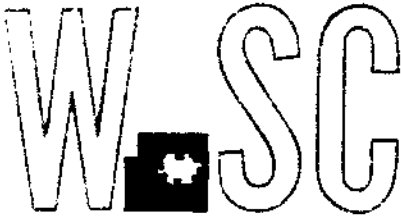
WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the parking made available on the site should be adequate to meet the needs of employees. Therefore, there should be no need for employees to seek parking on adjacent properties; 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 the applicant would be unable to construct the much-needed additional warehouse space or he would have to provide many more parking spaces than are needed for this business which would be unjustifiably expensive and would disrupt the existing landscaping and circulation areas on the site; 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 the amount and location of the parking that is being made available should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the area; 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 intent of the parking code is to provide adequate parking for the needs of the specific types of uses and the reduced parking requirements should be adequate for this specific use; 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.



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

December 19, 1996

Mr. Phil Ruffin
1522 S. Florence
Wichita, Ks 67209

RE: BZA 38-96 - Request for a variance to reduce the parking requirement from 243 spaces to 158 spaces on property generally located north of Harry between Florence and West Street (1522 S. Florence)

Dear Mr. Ruffin:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 17, 1996. 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.

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 call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure

LPM/sah

cc: Dave Benedict, 1522 S. Florence, Wichita, Ks 67209
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)



3. BZA 16-95 is hereby declared null and void.
4. The resolution authorizing this variance 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.

SECRETARY'S REPORT

CASE NUMBER: BZA 38-96

OWNER/APPLICANT: Phil Ruffin

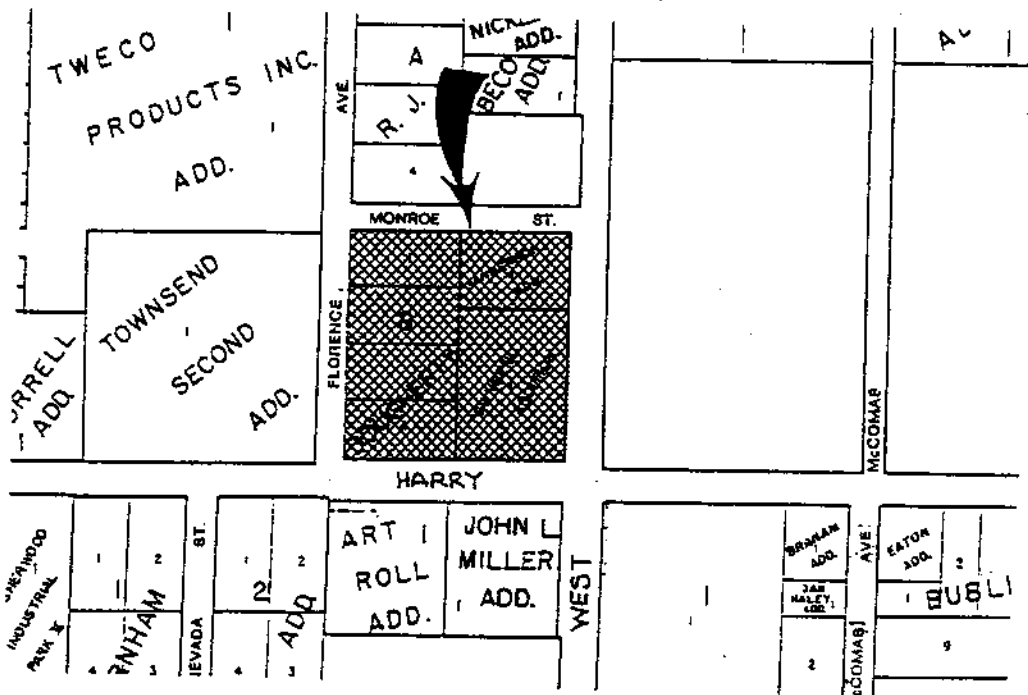
AGENT: Dave Benedict

REQUEST: Variance to reduce the parking requirement from 243 spaces to 158 spaces.

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 7.72 acres

LOCATION: North of Harry between Florence and West Streets
(1522 S. Florence)



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: The applicant, Phil Ruffin, is requesting a variance on the parking space requirements for Harper Trucks, Inc., which is located north of Harry between Florence and West Streets. The requested variance is to reduce the required parking from 243 spaces to 158 spaces. The applicant requested and was granted a similar parking space variance in September of 1995 when BZA 16-95 reduced the parking requirement from 241 spaces to 154 spaces. That variance was conditioned upon a maximum total building size on this site of 184,683 square feet with no more than 103,214 square feet of warehousing area. Both of these sizes will be exceeded with the proposed expansion which will provide a net increase of 8,100 square feet of warehousing area. That additional warehousing area generates a requirement for two more parking spaces. Twenty-four existing parking spaces in the northeast corner of the site will be eliminated with construction of the new building but at least that many new spaces can be added in the southwest corner.

Harper Trucks, Inc. is a manufacturing firm which builds hand trucks, which require large amounts of floor space for production and storage activities. The applicant has indicated that even though they are increasing the amount of warehouse space by 8,100 square feet, they will only add two to four new and employees. Harper Trucks Inc. currently has 175 employees and operates two shifts. The first shift contains the largest number of employees with 130. The remainder of the employees (45) work second shift at this location. In addition, the applicant has indicated that the first and second shifts do not overlap which reduces the need for extra parking at shift changes. It has also been indicated by the applicant that the existing parking lot is now only partially utilized because an estimated 5-10% of the employees ride the bus and another estimated 20-30% of the employees car pool. Therefore, the applicant is requesting a reduction of the required parking spaces for this specific use on their site. There are no direct sales to the public from this location.

With the proposed addition of 8,100 square feet of warehouse area, the following uses and parking requirements will exist on this site:

111,314 square feet warehouse	=	39 parking spaces
61,577 square feet manufacturing	=	124 parking spaces
<u>19,783 square feet office</u>	=	<u>80 parking spaces</u>
192,783 square feet total	=	243 parking spaces

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	Used Vehicle Sales and Office - Kansas Geological Survey
SOUTH:	"LI"	Trucking - NW Transport
EAST:	"LI"	Equipment Sales & Service - Foley Caterpillar
WEST:	"LI"	Manufacturing - Tweco Products

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is developed with a manufacturing activity that requires a large space for production and storage but which has relatively few employees per square foot.

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 the parking made available on the site should be adequate to meet the needs of employees. Therefore, there should be no need for employees to seek parking on adjacent properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to construct the much-needed additional warehouse space or he would have to provide many more parking spaces than are needed for this business which would be unjustifiably expensive and would disrupt the existing landscaping and circulation areas on the site.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the amount and location of the parking that is being made available should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the area.

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 regulations inasmuch as the intent of the parking code is to provide adequate parking for the needs of the specific types of uses and the reduced parking requirements should be adequate for this specific use.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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 parking reduction from 243 spaces to 158 spaces applies to buildings with no more than 192,783 square feet (19,892 square feet office; 61,577 square feet manufacturing; and 111,314 square feet warehouse) which will be used for production and storage and which employ no more than 158 employees on any shift or to a use which requires no more than 158 parking spaces.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.