

MT. CARMEL

CUSTER

CHASE

ST. PAUL

GORDON

EDWARDS

RICHMOND

3RD STREET SOUTH

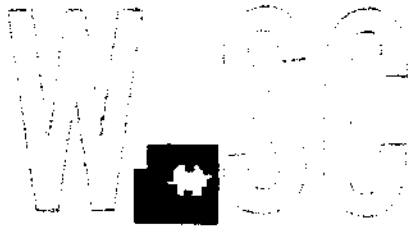
A SITE PLAN

I-235

MERIDIAN

34th

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

August 7, 1998

YMCA of Wichita  
% Dennis Schoenebeck  
402 N. Market  
P.O. Box 3636  
Wichita, KS 67201

**RE: BZA 15-98 - Variance to reduce the parking from 1,282 parking spaces to 375 parking spaces; and variance to increase the height of a tower sign from 30 feet to 40 feet on property generally located on the northwest corner of I-235 and South Meridian.**

Dear Mr. Schoenebeck:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on July 28, 1998. 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.

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

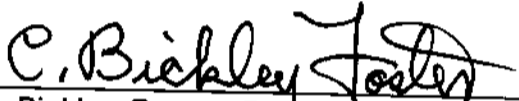
Sincerely yours,

Keith Gooch, Assistant Secretary  
Board of Zoning Appeals

KG/sah

cc: J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, City Clerk  
Yolanda Anderson, MAPC (resolution only)

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1998.

  
C. Bickley Foster, President

ATTEST:

  
David L. Yearout, AICP, Secretary

## BZA RESOLUTION NO. 15-98A

**WHEREAS**, YMCA of Wichita, %Dennis Schoenebeck, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking spaces from 1,282 spaces to 375 spaces on property zoned "MF-18" Multi-Family Residential, "LC" Limited Commercial, and "TF-3" Two-Family Residential and legally described as follows:

All of that portion of Meridian Outlet Mall, an Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: beginning at the SE corner of the NE1/4 Sec. 12-28-1W; thence on an assumed bearing of N 00 degrees 00' 00" East along the East line of said NE1/4, 49.50 feet; thence North 89 degrees 27' 35" West parallel with and 49.50 feet North of the South line of said NE1/4, 740 feet to the point of beginning; thence continuing parallel with and 49.50 feet North of the south line of said NE1/4, N 89 degrees 27'35" West, 1905.12 feet to the East line of Sheridan Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence North 00 degrees 14' 20" East along said East line of Sheridan Avenue, 1236.60 feet to the South line of Thirty-Third Street South as platted in Builders Seventeenth Addition and Meridian Outlet Mall Addition; thence South 89 degrees 33'17" East, along said line of Thirty-Third Street South, 2549.92 feet to a point 90 feet West of the East line of said NE 1/4, said point being the West line of Meridian Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence South 00 degrees 00' 00" West parallel with and 90 feet West of the East line of said NE 1/4, 275 feet; thence North 89 degrees 33'17" West, 200 feet; thence North 65 degrees 58'36" West, 75 feet; thence North 89 degrees 33'17" West, 381.49 feet; thence South 00 degrees 00'00" est, 994.79 feet to the point of beginning. Generally located Northwest corner of I-235 and Meridian Avenue.

**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 28, 1998, 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 the use of the building and the use of the playing fields will be at different times of the day and year. The peak time of usage for the building will be when people can not exercise outside such as in the winter months. While the peak time usage of the playing fields will be during the summer months when leagues are ongoing.

**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 should be adequate parking provided and therefore persons patronizing the YMCA should not park on 33rd Street South and affect travelers on this street.

**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 if the variance is not granted then the applicant would be unable to construct either the size of the building or to provide as many playing fields as shown.

**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 there will be no encroachments into public utility easements or street right-of-way as a result of this reduction in the parking requirement.

**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 peak utilization of the building and playing fields will be at different times of the year as suggested by the applicant. Therefore, the number of spaces currently found on-site should be adequate to meet the parking needs of this facility.

**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.

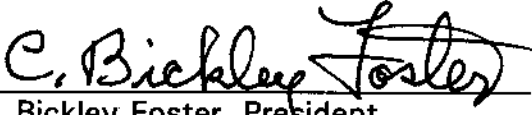
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the required parking spaces from 1,282 spaces to 375 spaces on property zoned "MF-18" Multi-Family Residential, "LC" Limited Commercial, and "TF-3" Two-Family Residential and legally described as follows:

All of that portion of Meridian Outlet Mall, an Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: beginning at the SE corner of the NE1/4 Sec. 12-28-1W; thence on an assumed bearing of N 00 degrees 00' 00" East along the East line of Said NE1/4, 49.50 feet; thence North 89 degrees 27' 35" West parallel with and 49.50 feet North of the South line of said NE1/4, 740 feet to the point of beginning; thence continuing parallel with and 49.50 feet North of the south line of said NE1/4, N 89 degrees 27'35" West, 1905.12 feet to the East line of Sheridan Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence North 00 degrees 14' 20" East along said East line of Sheridan Avenue, 1236.60 feet to the South line of Thirty-Third Street South as platted in Builders Seventeenth Addition and Meridian Outlet Mall Addition; thence South 89 degrees 33'17" East, along said line of Thirty-Third Street South, 2549.92 feet to a point 90 feet West of the East line of said NE 1/4, said point being the West line of Meridian Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence South 00 degrees 00' 00" West parallel with and 90 feet West of the East line of said NE 1/4, 275 feet; thence North 89 degrees 33'17" West, 200 feet; thence North 65 degrees 58'36" West, 75 feet; thence North 89 degrees 33'17" West, 381.49 feet; thence South 00 degrees 00'00" est, 994.79 feet to the point of beginning. Generally located Northwest corner of I-235 and Meridian Avenue.

subject to the following conditions:

1. The property should be developed in general conformance with the approved site plan, with a maximum of 4 soccer fields, 4 baseball fields and 8 t-ball fields. The variance is limited to the use of the property for indoor and outdoor recreation activities as presented in the July 28, 1998 staff report.
2. 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 the foregoing condition.

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1998.

  
C. Bickley Foster, President

ATTEST:

  
David L. Yearout, AICP, Secretary

## BZA RESOLUTION NO. 15-98B

**WHEREAS**, YMCA of Wichita, %Dennis Schoenebeck, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to to increase the height of a sign from 35 feet to 38 feet on property zoned "MF-18" Multi-Family Residential, "LC" Limited Commercial, and "TF-3" Two-Family Residential and legally described as follows:

All of that portion of Meridian Outlet Mall, an Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: beginning at the SE corner of the NE1/4 Sec. 12-28-1W; thence on an assumed bearing of N 00 degrees 00' 00" East along the East line of Said NE1/4, 49.50 feet; thence North 89 degrees 27' 35" West parallel with and 49.50 feet North of the South line of said NE1/4, 740 feet to the point of beginning; thence continuing parallel with and 49.50 feet North of the south line of said NE1/4, N 89 degrees 27'35" West, 1905.12 feet to the East line of Sheridan Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence North 00 degrees 14' 20" East along said East line of Sheridan Avenue, 1236.60 feet to the South line of Thirty-Third Street South as platted in Builders Seventeenth Addition and Meridian Outlet Mall Addition; thence South 89 degrees 33'17" East, along said line of Thirty-Third Street South, 2549.92 feet to a point 90 feet West of the East line of said NE 1/4, said point being the West line of Meridian Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence South 00 degrees 00' 00" West parallel with and 90 feet West of the East line of said NE 1/4, 275 feet; thence North 89 degrees 33'17" West, 200 feet; thence North 65 degrees 58'36" West, 75 feet; thence North 89 degrees 33'17" West, 381.49 feet; thence South 00 degrees 00'00" est, 994.79 feet to the point of beginning. Generally located Northwest corner of I-235 and Meridian Avenue.

**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 28, 1998, 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 the building which will be built on site is 30 feet in height and would limit the ability of travelers coming from the west on I-235 to see a 35 foot sign. The applicants are also proposing that the sign is an integral part of the entrance to the YMCA, and they would like to keep it at this location several hundred feet away from the residential properties to the north.

**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 this site is located over six hundred feet south of the residential properties to the north which should limit the visual impact on this residential neighborhood.

**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 35 foot tall sign would be unable to be seen by west bound travelers on I-235. However, the 38 foot tall sign would allow the entire sign to clear the 30 foot tall building.

**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 there will be no encroachments into public utility easements or street right-of-way nor will the sign impact traffic along any streets in anyway as a result of this increase in the building sign height and therefore there will be no effect on the general public.

**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 should not provide any additional hazards to motorists along any streets of Wichita as well as a 38 foot tall sign would not be out of character with this development.

**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 increase the height of a sign from 35 feet to 38 feet on property zoned "MF-18" Multi-Family Residential, "LC" Limited Commercial, and "TF-3" Two-Family Residential and legally described as follows:

All of that portion of Meridian Outlet Mall, an Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: beginning at the SE corner of the NE1/4 Sec. 12-28-1W; thence on an assumed bearing of N 00 degrees 00' 00" East along the East line of Said NE1/4, 49.50 feet; thence North 89 degrees 27' 35" West parallel with and 49.50 feet North of the South line of said NE1/4, 740 feet to the point of beginning; thence continuing parallel with and 49.50 feet North of the south line of said NE1/4, N 89 degrees 27'35" West, 1905.12 feet to the East line of Sheridan Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence North 00 degrees 14' 20" East along said East line of Sheridan Avenue, 1236.60 feet to the South line of Thirty-Third Street South as platted in Builders Seventeenth Addition and Meridian Outlet Mall Addition; thence South 89 degrees 33'17" East, along said line of Thirty-Third Street South, 2549.92 feet to a point 90 feet West of the East line of said NE 1/4, said point being the West line of Meridian Avenue as platted in Builders Seventeenth Addition and in Meridian Outlet Mall Addition; thence South 00 degrees 00' 00" West parallel with and 90 feet West of the East line of said NE 1/4, 275 feet; thence North 89 degrees 33'17" West, 200 feet; thence North 65 degrees 58'36" West, 75 feet; thence North 89 degrees 33'17" West, 381.49 feet; thence South 00 degrees 00'00" est, 994.79 feet to the point of beginning. Generally located Northwest corner of I-235 and Meridian Avenue

subject to the following conditions:

1. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the height of the sign may be increased in height up to 38 feet.
2. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
3. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application. No portable sign shall be permitted along the Meridian frontage for this property.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
5. This variance authorizing a taller sign 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 of approval.

variance be granted, subject to the following conditions:

1. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the height of the sign may be increased in height up to 38 feet.
2. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
3. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application. No portable sign shall be permitted along the Meridian frontage for this property.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
5. This variance authorizing a taller sign 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 of approval.

**SECRETARY'S REPORT**

CASE NUMBER: BZA 15-98

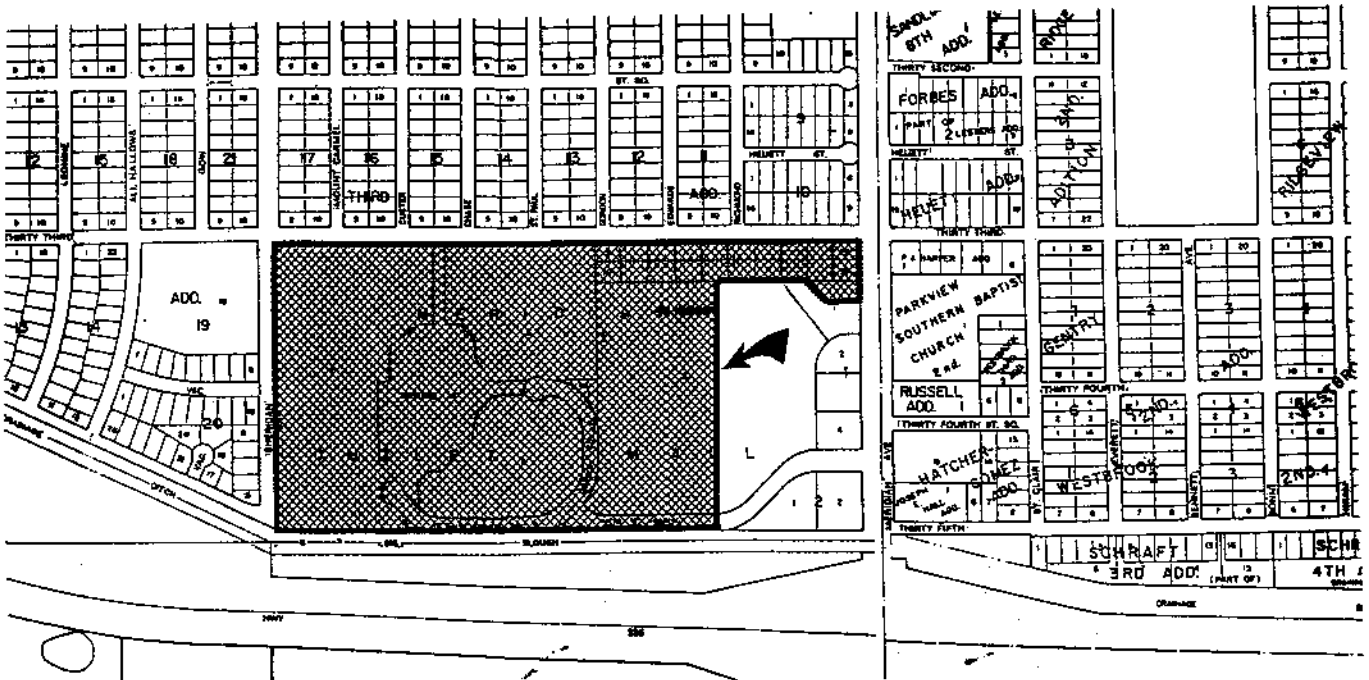
OWNER/APPLICANT: YMCA of Wichita, c/o Dennis Schoenebeck

REQUEST: 1) Variance to reduce the parking from 1,282 parking spaces to 375 parking spaces; and  
2) Variance to increase the height of a sign from 35 feet to 38 feet.

CURRENT ZONING: "MF-18", "LC" and "TF-3"

SITE SIZE: 65 acres

LOCATION: Northwest corner of I-235 and Meridian Avenue



**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 is requesting two variances, one to reduce the parking requirement from 1,282 parking spaces to 375 parking spaces and the other to increase the height of a sign from 35 feet to 38 feet. The South YMCA is to be constructed on this 65 acre tract located north of I-235 and west of Meridian. The property was recently approved for "LC" Limited Commercial zoning, and a replat of this property was approved by the City Council on June 23, 1998.

The South YMCA will consist of four baseball diamonds, four soccer fields, four T-ball fields and a 70,000 square foot multiple use building. The uses of this building include: a swimming pool, day care facility, weight room, track, office space and gymnasium. There will be no seats provided in the gymnasium. The multi-use building will require 455 parking spaces while the outdoor fields and pool will require an additional 514 parking spaces for a total of 972 parking spaces. The applicants have stated that there possibly could be an additional 10 playing fields at this location, which is the difference between the 972 parking spaces and the 1,282 parking spaces originally requested to be varied.

The applicant has stated the utilization of the playing fields and the multi-purpose building will be at different times of the year. The playing fields are only used during the summer months while the baseball and soccer leagues are going on and not all fields will be used at one time. However, the multi-purpose building is mostly utilized during the winter months when people are unable to exercise outdoors. Therefore, the applicants believe the 375 parking spaces should meet the parking demand based on comparing this facility to the East YMCA, which only has 325 parking spaces available. Attached is a three day survey which shows that there were at least 81 parking spaces open at the East YMCA even on Saturday the busiest day of the week. The South YMCA building has approximately 15,000 more square feet than the East YMCA and also 1 more soccer field and 4 more t-ball fields. (See attached comparison between the East YMCA and the South YMCA buildings)

The applicant is proposing to construct a 38 foot high four-sided sign located on the eastern edge of the building. The Unified Zoning Code limits all signs within the "LC" Limited Commercial district to 25 feet in height, except when the number of permitted signs along a street frontage of the zoning lot is not fully utilized. For each sign not utilized along a street frontage, one sign may be increased five feet in height. Therefore, if the YMCA gave up two of the permitted signs along I-235 then the sign on the eastern edge of the building could be 35 feet in height. Therefore the applicants are only asking for a 3 foot increase in height.

The site is surrounded by single-family residences to the north, I-235 and the drainage ditch to the south, commercial properties and a church to the east and single-family homes and a school to the west.

**ADJACENT ZONING AND LAND USE:**

NORTH	"SF-6"	Single-Family Residences
SOUTH	"SF-6"	I-235 and a Drainage Ditch
EAST	"SF-6," "B" and "LC"	Commercial Properties and a church
WEST	"SF-6"	School

**Request No. 1: Variance to reduce the parking from 1,282 parking spaces to 375 parking spaces**

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the use of the building and the use of the playing fields will be at different times of the day and year. The peak time of usage for the building will be when people can not exercise outside such as in the winter months. While the peak time usage of the playing fields will be during the summer months when leagues are ongoing.

**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 should be adequate parking provided and therefore persons patronizing the YMCA should not park on 33rd Street South and affect travelers on this street.

**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 if the variance is not granted then the applicant would be unable to construct either the size of the building or to provide as many playing fields as shown.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction in the parking requirement.

**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 peak utilization of the building and playing fields will be at different times of the year as suggested by the applicant. Therefore, the number of spaces currently found on-site should be adequate to meet the parking needs of this facility.

**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 property should be developed in general conformance with the

approved site plan, with a maximum of 4 soccer fields, 4 baseball fields and 8 t-ball fields. The variance is limited to the use of the property for indoor and outdoor recreation activities as presented in the July 28, 1998 staff report.

2. 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 the foregoing condition.

**Request No. 2: Variance to increase the height of a sign from 35 feet to 38 feet.**

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as the building which will be built on site is 30 feet in height and would limit the ability of travelers coming from the west on I-235 to see a 35 foot sign. The applicants are also proposing that the sign is an integral part of the entrance to the YMCA, and they would like to keep it at this location several hundred feet away from the residential properties to the north.

**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 this site is located over six hundred feet south of the residential properties to the north which should limit the visual impact on this residential neighborhood.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulations would constitute hardship upon the applicant, inasmuch as the 35 foot tall sign would be unable to be seen by west bound travelers on I-235. However, the 38 foot tall sign would allow the entire sign to clear the 30 foot tall building.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way nor will the sign impact traffic along any streets in anyway as a result of this increase in the building sign height and therefore there will be no effect on the general public.

**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 Sign Code regulations, inasmuch as should not provide any additional hazards to motorists along any streets of Wichita as well as a 38 foot tall sign would not be out of character with this development.

**RECOMMENDATION:** Should all five conditions necessary for the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the