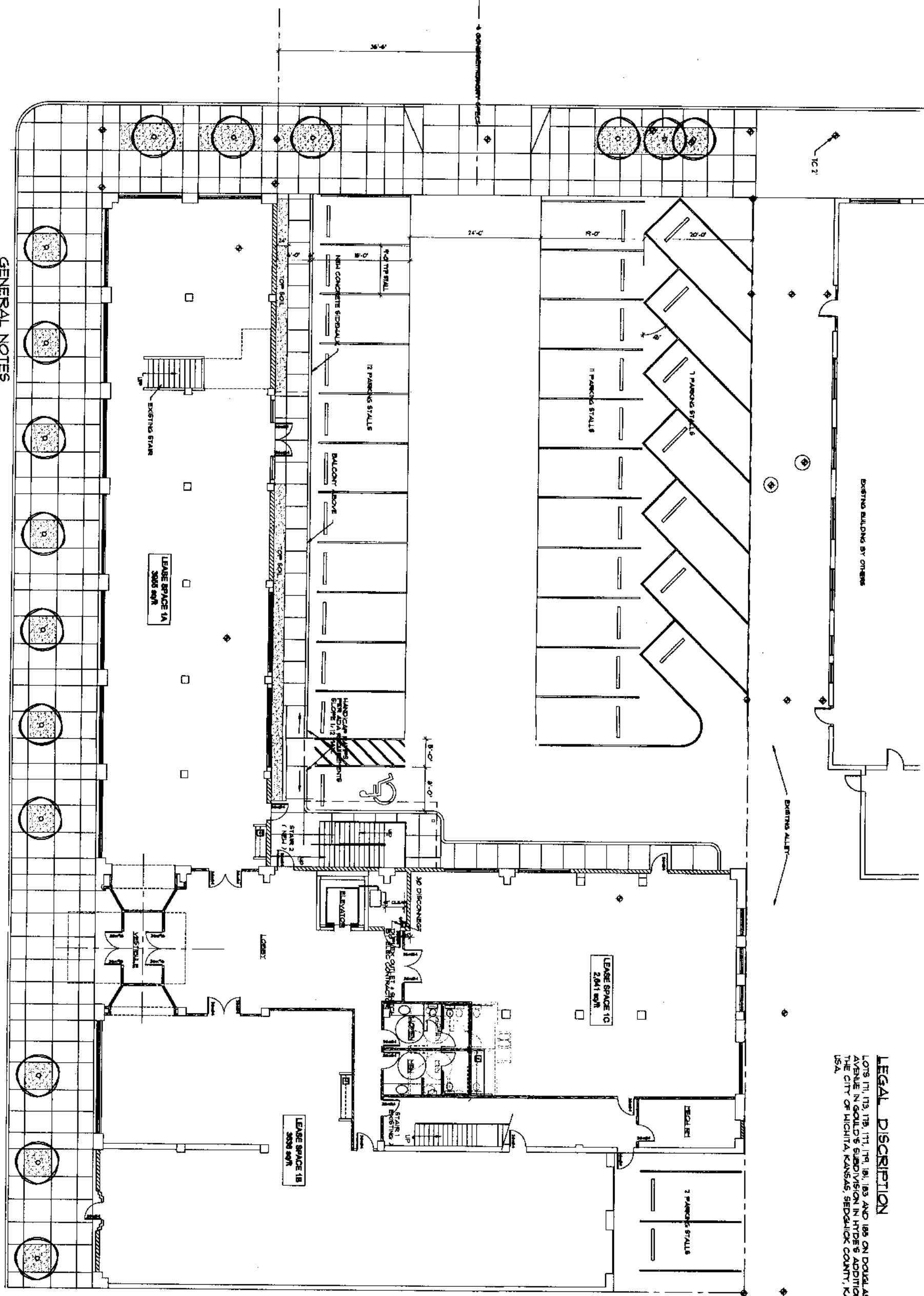


EXISTING BUILDING BY OTHERS

EXISTING ALLEY

LEGAL DESCRIPTION

LOTS 171, 173, 175, 177, 179, 181, 183 AND 185 ON DOUGLAS AVENUE IN GOLD'S SUBDIVISION IN HYDES ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS USA



GENERAL NOTES

1. TOTAL PARKING 32 STALLS INCLUDING ONE (1) HANDICAP
2. ALL NEW EXTERIOR WALLS TO BE 2X6 METAL STUDS 16 GAUGE WITH BRIDGING AT 5' CTS VERT. SHEATHING 5/8 EXT. PLYWOOD (1/2" DOG SHEATHING MAYBE USED ON SECOND FLOOR WALLS.)

FIRST FLOOR PLAN

1/8"=1'-0"

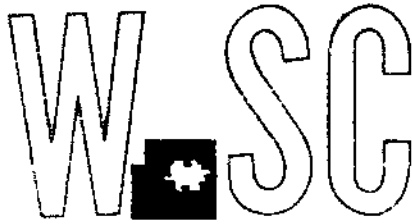


REYNOLDS ARCHITECT
125 N. EMPORIA
WICHITA, KS. 67202
(316) 261-7145

1425 EAST DOUGLAS, L.L.C.
1425 EAST DOUGLAS
WICHITA KANSAS

A1

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

May 28, 1998

Richard Vliet
1425 E. Douglas, LLC
144 N. Mosley
Wichita, KS 67202

RE: BZA 7-98 - Variance to reduce the required parking from 38 spaces to 32 spaces on property zoned "LI" Limited Industrial and generally located on the southwest corner of Douglas and Ellis (1425 E. Douglas).

Dear Mr. Vliet:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on May 26, 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.

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,

Keith Gooch
Assistant Secretary
Board of Zoning Appeals

KG/sah

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

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, AICP, Secretary

BZA RESOLUTION NO. 7-98

WHEREAS, 1425 E. Douglas, LLC, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking from 38 spaces to 32 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Parcel # 1: Lots 173, 175, 177, 179, 181, 183 and 185, on Douglas Avenue, in Gould's Subdivision in Hyde's Addition to the City of Wichita, Kansas, Sedgwick County, Kansas.

AND

Parcel # 2: Lot 171, on Douglas Avenue, in Hyde's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Douglas and Ellis (1425 E. Douglas).

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 26, 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 it is located within an inner city business area which was developed at a time which did not require on-site parking in relation to the size and use of development. Also no additional parking can be provided on-site without removing more of the existing structure; 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 owner demolished a large portion of this building to provide 32 parking spaces on-site which will provide more parking for the area than the previous use of this building; 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 other location on this lot to construct additional parking spaces. In order for the owner to meet the parking demand, he would have to tear down most of the remainder of the building and replace it with a parking lot; 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 building has not provided on-site parking previously. The applicant has remodeled this structure in an attempt to provide on-site parking. The applicant will try and obtain additional parking in the area, but there is not much undeveloped land available for parking. This area is an older neighborhood developed with many commercial properties and offices which do not have sufficient parking. This applicant is trying to meet the parking requirements of the Zoning Code but is unable. The Comprehensive Plan as well as the City acknowledges the need to retain and bring new employment to the downtown area. This redevelopment would help revitalize this general 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 this development is in an area which was developed before the zoning regulations came into effect.

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 from 38 spaces to 32 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Parcel # 1: Lots 173, 175, 177, 179, 181, 183 and 185, on Douglas Avenue, in Gould's Subdivision in Hyde's Addition to the City of Wichita, Kansas, Sedgwick County, Kansas.

AND

Parcel # 2: Lot 171, on Douglas Avenue, in Hyde's Addition to the City of Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The parking reduction from 38 spaces to 32 spaces applies to office and/or retail uses at this location with no more than a total of 9,500 square feet permitted for occupancy.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

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 38 spaces to 32 spaces applies to office and/or retail uses at this location with no more than a total of 9,500 square feet permitted for occupancy.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 7-98

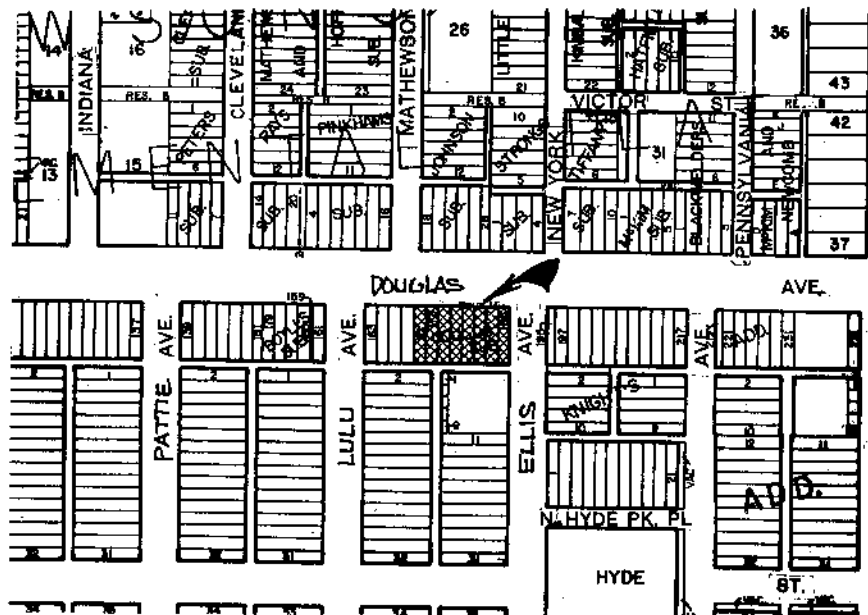
OWNER/APPLICANT: Richard Vliet (Owner/Applicant)

REQUEST: A variance to reduce the parking requirement from 38 parking spaces to 32 spaces

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 200 feet by 150 feet

LOCATION: South of Douglas and west of Hydraulic



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 a variance to reduce the number of required parking spaces from 38 spaces to 32 on a property located south of Douglas and west of Hydraulic. This .69 acre tract is currently zoned "LI" Limited Industrial.

The applicant is currently remodeling this building to allow for offices and retail sales in this building, which was once used as a laundry facility. The laundry facility, according to the applicant, employed 70 persons. The old building configuration did not provide any parking on-site, however the proposed use of this building as office and retail space is a more intensive use than the laundry facility. Therefore the applicant is required to meet the Zoning Code parking requirements.

The remodeled three story structure will have a total of 24,750 square feet of office and retail space. The Unified Zoning Code requires one parking space for every 250 square feet of office or retail space, which would require 99 spaces for this building. The applicant has only been able to provide a total of 32 parking spaces on-site. On-street parking spaces are provided along Douglas, Lulu and Ellis. However, these on-street spaces were full, the day staff was at this location. The applicant has stated he will try and secure additional off-street parking in the area, but he has been unable to do so, as yet.

The original request did ask for a reduction in parking from 99 spaces to 32. Staff did not believe enough information existed to support this request at this time. The applicant and staff reached a compromise to grant a portion of the request. The variance from 38 required parking spaces to 32 spaces would allow the applicant to open 9,500 square feet of office space. This would allow two tenants, which the applicant currently has under contract, to locate within this building sometime in June. This compromise would also allow the applicant a chance to obtain additional parking as well as allow staff to determine any other possible solutions to the parking problem in this area. One possibility might be the establishment of a "parking district" similar to the one in operation in Old Town, where off-street requirements are waived if property owners in the district pay a fee to the City that can be used in the future to acquire land and develop "public" off-street parking lots. The applicant will be required to obtain another variance sometime in the future.

Another parking variance request was granted in 1994 to the Spice Merchant located at the corner of Douglas and Cleveland. This variance reduced the parking requirement from 57 to 3 parking spaces but the applicant had an agreement to lease 39 parking spaces just north of this area.

The site is surrounded by commercial and office developments. The only additional off-street parking in the area was located just southwest of this site and also at McCormick Armstrong which is located just east of this site.

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	Commercial uses
SOUTH	"LI"	Commercial and Offices
EAST	"LI"	Commercial and Offices
WEST	"LI"	Commercial and Offices

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as it is located within an inner city business area which was developed at a time which did not require on-site parking in relation to the size and use of development. Also no additional parking can be provided on-site without removing more of the existing structure.

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 owner demolished a large portion of this building to provide 32 parking spaces on-site which will provide more parking for the area than the previous use of this building.

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 there is no other location on this lot to construct additional parking spaces. In order for the owner to meet the parking demand, he would have to tear down most of the remainder of the building and replace it with a parking lot.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the building has not provided on-site parking previously. The applicant has remodeled this structure in an attempt to provide on-site parking. The applicant will try and obtain additional parking in the area, but there is not much undeveloped land available for parking. This area is an older neighborhood developed with many commercial properties and offices which do not have sufficient parking. This applicant is trying to meet the parking requirements of the Zoning Code but is unable. The Comprehensive Plan as well as the City acknowledges the need to retain and bring new employment to the downtown area. This redevelopment would help revitalize this general 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 this development is in an area which was developed before the zoning regulations came into effect.