



Wichita-Sedgwick County Metropolitan Area Planning Department

September 25, 2007

Eastgate Hotels, LLC
W. Duane Wadley
260 N. Rock Road
Wichita, KS 67206

RE: BZA2007-56 Zoning Administrative Adjustment to reduce the rear compatibility setback from 25 feet to 15 feet on "LC" Limited Commercial zoning.

Legal Description: The north 122.86 feet, M-L, Lots 3 & 4, Ruth Addition to Wichita, Sedgwick County, Kansas. Generally located north of East Kellogg, east of Heather Road 8300 East Kellogg).

Dear Applicant:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback for the rear yard on the property described above. From reviewing your application, we understand that you propose to construct a motel on the site that would be located 15 feet from the north/rear property line. The Unified Zoning Code requires an administrative adjustment to allow a compatibility setback reduction from 25 feet to 15 feet.

Section V-I.2.d and V-I.2.a of the Unified Zoning Code allows an adjustment to reduce the compatibility setback. We find that the reduction of the setback as proposed meets the four conditions required by the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the reduction of the setback. Landscaping and screening requirements should mitigate any impact on residential neighbors to the east.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed building will comply with all other development standards. The compatibility setback reduction should not make the proposed building incompatible with the existing and permitted uses on abutting sites.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should be no negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the compatibility setback for the aforementioned property from 25 feet to 15 feet is hereby granted, subject to the following conditions:

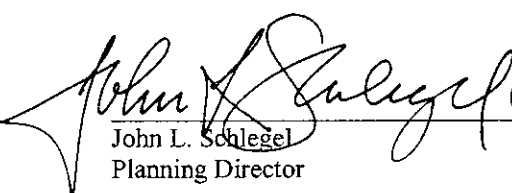
- 1) The site shall be developed in general conformance with the approved site plan for this building expansion.
- 2) The site shall be developed in conformance with all applicable codes, including but not limited to zoning, landscape, building, fire, and health codes.
- 3) The setback reduction shall apply only to the rear setback as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.

4)

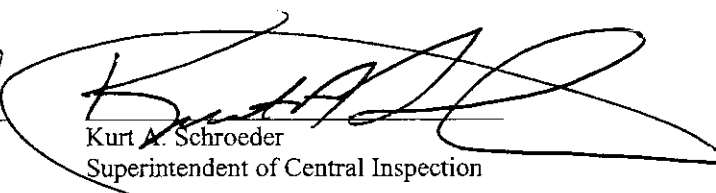
- a) Installation of an eight-foot cedar screening fence along the application's common property line with Lots 2, 3, 4 and 5, Bonnie Brae Addition; removal of the existing fencing along the previously described lots; applicant agrees to maintain or replace previously described fence as necessary;
- b) Deed the southern eight feet of Lots 2, 3, 4 and 5 back to the lot owners, and clean up and seed the eight feet of property on 8307 Peach Tree;
- c) All lighting fixtures shall be per code and not directed towards the neighborhood, no lighting shall face to the north, hotel entrance lights are to be screened to the north;
- d) Sign faces shall face east or west, no sign shall face to the north;
- e) As the site develops, no additional drainage shall be directed onto residential areas except as already exists at the existing flume; the applicant will provide retaining walls if required by the city;
- f) Trash dumpsters shall conform to city code, be located as depicted on the attached site plan and be enclosed in a masonry wall;
- g) Truck parking is prohibited on the north side of the building; and
- h) No guest room doors or balconies on any level shall face the north. Guest room doors and balconies shall not face the neighborhood.

- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Zoning Adjustment null and void.

The development application sign should now be removed from the property.



John L. Schlegel
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

cc: Kurt A Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection