

100-100
3-3-76
[Signature]
C.I.V.
M.H.O.
5-2-76
[Signature]

BZA 5-76 Pizza Hut, Inc., requests variance to reduce the required parking from 1 space for every 250 square feet to 2 parking spaces for every 3 employees in an area on the south side of Kellogg, south of

43

ACTION

BZA COMMITTEE *referred to* 4-27-76 DATE 3-23-76

BZA ~~_____~~ *Approved* 4-27-76
(to 600 spaces)

B.C.C./B. CO. C. _____

RESOLUTION NO. BZA 5-76

WHEREAS, Pizza Hut, Inc., 10225 East Kellogg, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the number of required off-street parking spaces from 840 spaces to 500 spaces on property zoned the "BB" Office District, and legally described as follows:

Lot 1, P.H.I. Addition, Sedgwick County, Kansas. Generally located on the south side of Douglas Avenue in an area west of Webb Road.

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 April 27, 1976, 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 designed occupancy of the proposed building is disproportionately less than other uses in the "BB" Office Zoning District; 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 walking distance from neighborhood development would preclude on-street parking in the neighborhood. Parking on Douglas or Webb Road is not permitted; 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 owner represented in the application inasmuch as they would be required to provide an excess of parking which, from the information supplied, will not be needed or used; 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 size of the property and the proposed location of the building would discourage the use of public streets for parking; and

WHEREAS, the Board of zoning Appeals has found that the granting of a variance for an initial reduction of parking with an opportunity for the Board to review the parking situation at the time the fourth level is proposed to be finished would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the parking needs could be realistically re-evaluated based on actual usage experienced during this period;

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 a variance be approved to

reduce the number of required off-street parking spaces from 840 spaces to 600 spaces on property zoned the "BB" Office District, and legally described as follows:

Lot 1, P.H.I. Addition, Sedgwick County, Kansas. Generally located on the south side of Douglas Avenue in an area west of Webb Road,

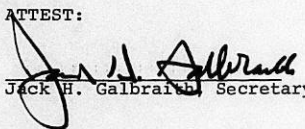
subject to the following conditions:

1. This reduction of parking spaces shall be in effect only so long as the fourth floor of the proposed building remains unfinished and unoccupied.
2. Prior to the issuance of permits for the finishing and occupancy of the fourth level, the applicants shall request a rehearing of this case. Such application for a rehearing shall include the appropriate filing fee, a current certified abstract listing and supporting statement of justification for a permanent reduction of the off-street parking requirement.
3. A minimum of an additional 150 off-street parking spaces will be provided simultaneously with the finishing and occupancy of the fourth level of the structure.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1976.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

455 W. Main, Tenth Floor

May 10, 1976

Mr. David Haines
3208 E. Douglas
Wichita, Kansas 67208

Subject: Case No. BZA 5-76
Request for Variance

Dear Mr. Haines:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 27, 1976, in connection with your request for a variance to reduce the required number of off-street parking spaces from 840 spaces to 500 spaces on property zoned the "BB" Office District, and generally located south of Douglas in an area west of Webb Road.

This Resolution reflects the official action of the Board to approve a variance from 840 spaces to 600 spaces, 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.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:LD:hh

Attach.

cc: Farris S. Farha, Senior Vice President, P.O. Box 428, 67201
Pizza Hut, Inc., Legal Department, P.O. Box 428, 67201
Ron Spangenberg, 7701 E. Kellogg, Suite 815, 67207
Don Gistek, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

April 28, 1976

Mr. David Haines
3208 East Douglas
Wichita, Kansas 67208

Subject: Case No. BZA 5-76
Request for Variance

Dear Mr. Haines:

At the regular meeting of the Board of Zoning Appeals on Tuesday, April 27, 1976, your request for a variance to reduce the required number of off-street parking spaces from 840 spaces to 500 spaces on property soned the "BB" Office District, and generally located south of Douglas in an area west of Webb Road was considered.

It was the action of the Board to approve a variance of the off-street parking requirements from 840 spaces to 500 spaces, subject to the following conditions:

1. This reduction of parking spaces shall be in effect only so long as the fourth floor of the proposed building remains unfinished and unoccupied.
2. Prior to the issuance of permits for the finishing and occupancy of the fourth level, the applicants shall request a rehearing of this case. Such application for a rehearing shall include the appropriate filing fee, a current certified abstract listing and supporting statement of justification for a permanent reduction of the off-street parking requirement.
3. A minimum of an additional 150 off-street parking spaces will be provided simultaneously with the finishing and occupancy of the fourth level of the structure.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the

Mr. David Haines
Page 2
April 28, 1976

signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:LD:bh

cc: Farris S. Farha, Senior Vice President
Pizza Hut, Inc., Legal Department
P.O. Box 428, 67201
Ron Spangenberg, 7701 E. Kellogg, Suite 815, 67207
T. S. Ansel, 12 Douglas Parkway, 67206
David Hansen, 8 Douglas Parkway, 67206
Frank Phillips, 11 Hawthorne, 67206
Don Gisick, City Clerk
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection

SECRETARY'S REPORT (REVISED)
CASE NO. BZA 5-76

APPLICANT: Pizza Hut, Inc., 10225 E. Kellogg,
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the required number of off-street park-
ing spaces from 840 spaces to 500 spaces.

GENERAL LOCATION: South of Douglas in an area west of
Webb Road.

ZONING: Subject property is zoned the "BB"
Office District. North, east, and
south are all zoned the "AA" Single
Family Dwelling District. West is
the "R-5" General Residence District.

LAND USE: Subject property is occupied by a
Public Works Substation, an aircraft
manufacturing plant; Beechcraft Pro-
curement Office; associated parking
lots and undeveloped. Properties
to the east and south are undeveloped.
West is single family residential and
undeveloped. North is single family
residential.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to reduce the required number of off-street parking spaces from 840 spaces to 500 spaces for the construction of a new Pizza Hut corporate headquarters facility.

Section 28.04.141(3.9) of the City Code requires that off-street parking be provided as follows: "Office and commercial buildings, including governmental, public utility, and other similar buildings shall provide one space for each two hundred fifty square feet of floor area or one space for every three employees in the largest working shift in a twenty-four hour period, whichever is the greater." The proposed building will contain approximately 210,000 square feet of floor area which would require 840 off-street parking spaces.

This case was deferred from the Board of Zoning Appeals meeting of March 23, 1976, to permit the applicants an opportunity to supply additional information in support of their request.

In the original Secretary's Report of this case, we were unable to justify the five conditions necessary to the granting of a variance based on the limited information available. Since then, the applicants have submitted detailed information as to the designed capacity of the proposed building and projections of anticipated employment.

The applicants state that there will be designed work station space to accommodate 510 employees on the first three floors, with the fourth floor to remain unfinished at this time. They project employment at the time of occupancy of this facility to be 500 employees. The applicants propose to provide 550 parking spaces initially and an additional 150 spaces when the fourth level is finished. This, then, would be the proposed parking instead of the requested variance to

Secretary's Report
BZA 5-76
Page 3

500 spaces. The applicants point out that the parking they propose exceeds a 1 to 1 ratio for employee parking. They detail a total of 38,400 square feet of space which has no work stations, such as conference rooms, lunch room, training room, etc. This 38,400 square feet of space at one space per 250 square feet would require 153 parking spaces. The total final reduction requested after completion of the fourth level would be for 140 spaces.

Subject property is a large, approximately 50 acres, tract located on the south side of Douglas in an area west of Webb Road. The site plan, submitted with the application, shows the location of the building to be toward the back (south) side of the property, approximately 750 feet from Douglas Avenue, with the parking area situated north of the facility. The applicants point out that, due to the size of the site and proposed location of the building, they will of necessity have to provide adequate parking for their employees and visitors because of the walking distance to any alternative parking.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may exist even though there is ample space to provide the parking inasmuch as the designed occupancy of the proposed building is disproportionately less than other uses in the "BB" Office Zoning District.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance may not adversely affect the rights of adjacent property owners inasmuch as the walking distance from neighboring development would preclude on-street parking in the neighborhood. Parking on Douglas or Webb Road is not permitted.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may create an unnecessary hardship upon the property owners inasmuch as they would be required to provide an excess of parking which, from the information supplied, will not be needed or used.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of

the variance may not adversely affect the public interest inasmuch as the size of the property and proposed location of the building would discourage the use of public streets for parking.

SPIRIT AND INTENT:

It is the opinion of the Secretary that an initial reduction of parking with an opportunity for the Board, to review the parking situation at the time the fourth level is proposed to be finished would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the parking needs could be realistically re-evaluated based on actual usage experienced during this period.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance may be found to exist for at least an initial, temporary reduction of required off-street parking, and therefore, it is recommended that a variance be granted to reduce the required off-street parking from 840 spaces to 550 spaces, subject to the following conditions:

1. This reduction of parking spaces shall be in effect only so long as the fourth floor of the proposed building remains unfinished and unoccupied.
2. Prior to the issuance of permits for the finishing and occupancy of the fourth level, the applicants shall request a rehearing of this case. Such application for rehearing shall include the appropriate filing fee, a current certified abstract listing and supporting statement of justification for a permanent reduction of the off-street parking requirement.
3. A minimum of an additional 150 off-street parking spaces will be provided simultaneously with the finishing and occupancy of the fourth level of the structure.



Betty
File in BZA
5-76

Pizza Hut, Inc. / P.O. Box 428 / 10225 East Kellogg / Wichita Kansas 67201 / Phone 316-687-4111

April 14, 1976

Mr. Tracy S. Ansel, Sr.
12 Douglas Parkway
Wichita, Kansas 67206

Dear Mr. Ansel:

We would like to apprise you of our plans for the Douglas property which will house our new corporate headquarters.

There will be approximately 50 "No Trespassing" signs installed every 150 feet throughout the property and mounted on steel posts. Installation should commence the latter part of this week with completion by the end of next week.

Construction is scheduled to begin the first part of May and a full-time security guard will be on duty.

We apologize for the annoyance and assure you that everything will be done to alleviate any discomfort to you and the Forest Hills residents.

Sincerely yours,

Farris S. Farha
Senior Vice President

cc: David Haines, Project Manager
Charles Schultz, Eby Construction Co.
Jack Galbraith, The City of Wichita
Kurt Riesen, Attorney at Law



robson kuhnel and spangenberg a.i.a. architects and planners p.a.

2 April 1976

Mr. Jack Gailbraith
Metropolitan Planning
104 South Main
Wichita, Kansas

Re: Corporate Offices for Pizza Hut, Inc.

Dear Jack:

Following is our estimated maximum occupancy for the proposed building.

Level One:	Gross area of 73,100 s.f.	
	Floor Station	1
	Mailroom	2
	Telephone	2
	Central File	6
	Printing	2
	Chem Lab	2
	Micro Lab	2
	R+D Lab	6
	Main Shop	2
	Receiving	1
	Maint. Off.	1
	Data Entry	1800 s.f. ÷ 175 = 10
	Computer	4460 s.f. ÷ 300 = 14
	Open Office	20,500 s.f. ÷ 175 = 117
	Total	168
Level Two:	Gross area of 50,800 s.f.	
	Recept	1
	Floor Station	1
	Food Prep.	4
	Open Office	28,600 s.f. ÷ 175 = 164
	Total	170
Level Three:	Gross area of 42,900 s.f.	
	Floor station	1
	Open Office	30,000 ÷ 175 = 171
	Total	172
Total Finished Work Space		510
Level Four, Unfinished, Gross area of 42,900 s.f.		<u>175</u>
Total Work Spaces		685

7701 east kellogg wichita, kansas 67207 suite 815 telephone 316 685-4234

Mr. Jack Gailbraith
2 April 1976
Page Two

In addition to the special types of spaces enumerated above that could have work stations located within the space, there are these following areas which would have no work stations:

Conference rooms (4 large rooms, 11 small rooms)	11,000 s.f.
Lunch room	6,300 s.f.
Display & Reception	2,500 s.f.
Long term storage	6,000 s.f.
Dock	2,000 s.f.
Dead Records Vault	2,100 s.f.
Enclosed corridor to parking area	1,500 s.f.
Training Rooms	3,000 s.f.
Mechanical equipment	2,800 s.f.
Telephone equipment	1,200 s.f.

We wish to note that the available open office areas including data entry and computer represent only 51% of the gross area for the 3 finished floors and account for 93% of the work stations.

We propose to provide parking as follows:

Initial employee parking	500 cars
Initial visitor parking	50 cars
Total initial parking	<u>550</u>


Additional parking to be provided when 4th level is finished	150 cars
Total future parking	<u>700 cars</u>

This amount of parking exceeds a 1 to 1 ratio for employee parking.

We would appreciate your concurrence in our request for the reduced parking.

Sincerely,

ROBSON KUNNEL & SPANGENBERG


Ron Spangenberg

RS:nf

1- Frank Phillips, 11 Cambridge

15 notices sent to adjoining property owners, agent, and applicant

~~10 notices sent to MAPC members~~

April 6, 1976

BZA 5-76

BOARD OF ZONING APPEALS
Tenth Floor, City Hall
455 North Main, Wichita, Kansas 67202

April 6, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 5-76

You were previously notified of an application filed by Pizza Hut, Inc., 10225 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the number of required off-street parking spaces from 840 spaces to 500 spaces on property zoned the "BB" Office District, and legally described as follows:

Lot 1, P.H.I. Addition, Sedgwick County, Kansas. Generally located on the south side of Douglas Avenue in an area west of Webb Road.

Consideration of this case by the Board of Zoning Appeals was deferred for one month, from the previously notified meeting of March 23, 1976, to the regular meeting on Tuesday, April 27, 1976, at 1:30 p.m., in the City Commission Chambers, City Hall, 455 North Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

March 24, 1976

Tenth Floor, City Hall
435 North Main

Pizza Hut, Inc.
10225 East Kellogg
Wichita, Kansas 67207

Attention: Legal Department

Re: Case No. BEA 5-76
Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on Tuesday, March 23, 1976, your request for a variance to reduce the required number of off-street parking spaces from 840 spaces to 500 spaces on property zoned the "EB" Office District, and generally located south of Douglas in an area west of Webb Road was considered. At the request of your Architect, Ron Spangenberg, I relayed to the Board your desire to have this case deferred for one month.

It was the action of the Board to defer action on this case for thirty days, in order to give you time to supply more information to support your request for the variance. The case will be considered at their next meeting, which will be held on Tuesday, April 27, 1976.

Area residents were present at the meeting and expressed concern over the large number of motorcyclists who frequent the application area. Their complaints centered around the excessive noise created by the motorcycles. One of the residents indicated he had discussed this matter with you, and you had erected signs in connection with the matter, but he did not feel the signs were made of durable material and mentioned that two of them had been knocked over and two were standing. This resident did not feel that you were taking the matter very seriously, and he asked the Board of Zoning Appeals to assist him in drawing your attention to the conditions that prevail as it relates to motorcyclists.

There were also general questions from the neighborhood residents relating to the location of your proposed building and parking on the site and also questioning the need to reduce the off-street parking requirements.

Pizza Hut, Inc.
March 24, 1976

To have input for the next Secretary's Report to the Board, we will need to have your additional supportive information by Friday, April 9, 1976.

If you have any questions, please call.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:LD:bh

cc: Ron Spangenberg, 7701 E. Kellogg, Suite 815, 67207
David Haines, 3208 E. Douglas, 67208
T. S. Ansel, 12 Douglas Parkway, 67206
Donald Hansen, 8 Douglas Parkway, 67206
X Frank Phillips, 11 Hawthorne, 67206

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE March 16, 1976



TO Board of Zoning Appeals

FROM David Furnas, CPO Coordinator

SUBJECT BZA 3-76 and BZA 5-76

At its March 15, 1976, meeting, Citizen Participation Organization Neighborhood Council "H" voted unanimously to support the application for a variance in Case No. BZA 3-76.

The Council took no action on Case No. BZA 5-76.

David L. Furnas
David Furnas
Citizen Participation Coordinator

DF:LN:sm

SECRETARY'S REPORT
CASE NO. BZA 5-76

APPLICANT: Pizza Hut, Inc., 10225 E. Kellogg, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 840 spaces to 500 spaces.

GENERAL LOCATION: South of Douglas in an area west of Webb Road.

ZONING: Subject property is zoned the "BB" office District. North, east, south and west are all zoned the "AA" Single Family Dwelling District.

LAND USE: Subject property is occupied by a Public Works Substation, an aircraft parts manufacturing plant, Beechcraft Procurement Office, associated parking lots and undeveloped.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to reduce the required number of off-street parking spaces from 840 spaces to 500 spaces for the construction of a new Pizza Hut corporate headquarters facility.

Section 28.04.141(3.9) of the City Code requires that off-street parking be provided as follows "Office and commercial buildings, including governmental, public utility and other similar buildings shall provide one space for each two hundred fifty square feet of floor area or one space for every three employees in the largest working shift in a twenty-four hour period, whichever is the greater." The proposed building will contain approximately 210,000 square feet of floor area which would require 840 off-street parking spaces.

In their statement of justification, the applicants state that they feel it is unwarranted to require one space for every 250 square feet of floor area for a single occupant office facility when such facility is designed for a much smaller occupant load with extensive research areas, training areas, storage, conference, and lunch room space. They have not, however, furnished information as to the amount of floor space to be devoted to the various uses listed above or information concerning present or projected numbers of employees. It should be noted that the architect for the project indicated that the top floor of the proposed building would not be finished at the time of construction, but would remain unfinished and unoccupied until a later date.

Subject property is a large, approximately 50 acre, tract located on the south side of Douglas in an area west of Webb Road. The site plan, submitted with the application, shows the location of the building to be toward the back (south) side of the property, approximately 750 feet from Douglas Avenue, with the parking area situated north of the facility. The applicants point out that, due to the size of the site and proposed location of the building, they will of necessity have to provide adequate parking for their employees and visitors because of the walking distance to any alternative parking. The property is large enough to accommodate the required number of off-street parking spaces easily and still have appropriate landscaping.

It is the opinion of the Secretary that in considering a

reduction of off-street parking requirements of the magnitude requested here, the facts, circumstances and potential impact to the general area need to be carefully examined. A review of the proposed new zoning ordinance finds that no relief would be available for this applicant's situation. From the limited information available at this writing, it is difficult to justify all five conditions necessary to the granting of the variance.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to determine that uniqueness exists inasmuch as there are no physical limitations to the property with regard to providing the off-street parking required.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance may not adversely affect the rights of adjacent property owners inasmuch as the walking distance from neighboring development would preclude on-street parking in the neighborhood. Parking on Douglas or Webb Road is not permitted.

HARDSHIP:

It is the opinion of the Secretary that it is difficult to determine that a hardship exists inasmuch as the applicant has a reasonable use of his land and may develop it for the intended use.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance may not adversely affect the public interest inasmuch as the size of the property and proposed location of the building would discourage the use of public street for parking.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance, to the degree requested, would be opposed to the spirit and intent of the zoning ordinance inasmuch as it is difficult to justify a reduction from 840 spaces to 500 spaces when adequate space is available to provide the required parking.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance have not been met and therefore it is recommended that the request be denied.

If the top floor of the building is not to be completed and occupied at the same time as the remainder of the building, it would seem reasonable to defer the installation of the corresponding amount of off-street parking until such time as permits are issued for the finishing of that floor. If the applicant desires to pursue this approach, they would need to provide the number of spaces involved, as determined by the office of Central Inspection and the proposed timing of completion.

The applicants may prefer to have this request deferred to give them time to furnish additional information as to the designed capacity of the structure and the number of employees and customers or visitors that are expected to be at the site at any given time. Possibly, with more specific supporting information, a variance could be granted for the reduction as requested until such time as a permit is requested for the completion of the top floor. Then, with the aid of parking surveys taken on the site during the interim, a re-evaluation of the parking situation could be made at that time.

WICHITA-SEDGWICK COUNTY

DATE
March 8, 1976

METROPOLITAN AREA PLANNING DEPARTMENT


TO Elmer Karstensen, Executive Assistant to the City Manager
FROM Larry Dobson, Assistant Secretary, Board of Zoning Appeals
SUBJECT Notice of Upcoming Board of Zoning Appeals Cases
(Case Numbers BZA 3-76, ~~BZA 4-76~~, ~~BZA 5-76~~ and BZA 6-76)

Attached are notices of four cases to be considered by the Board of Zoning Appeals at its meeting of March 23, 1976. Also attached are sketch maps of the area involved in each case.

These are provided for distribution to the appropriate representatives of the Citizen's Participation Organization.

If you have any questions, please call.

Sincerely,



Larry Dobson
Assistant Secretary

COPY

LD:bh
Attach.

15 notices sent to adjoining property owners, agent, and applicant
10 notices sent to MAPC members

3-1-76
Case No. BZA 5-76

BOARD OF ZONING APPEALS
Tenth Floor, City Hall
455 North Main, Wichita, Kansas 67202

February 27, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 5-76

An application has been filed by Pizza Hut, Inc., 10225 East Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the number of required off-street parking spaces from 840 spaces to 500 spaces on property zoned the "BB" Office District, and legally described as follows:

Lot 1, P.H.I. Addition, Sedgwick County, Kansas. Generally located on the south side of Douglas Avenue in an area west of Webb Road.

This application has been assigned Case No. BZA 5-76, and will be considered by the Board of Zoning Appeals at its regular meeting on Tuesday, March 23, 1976, at 1:30 p.m., in the Public Meeting Room, City Hall, 455 North Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

APPLICATION FOR VARIANCE
STATEMENT OF JUSTIFICATION
PIZZA HUT, INC.

1. Variance requested arises from our opinion that it is unwarranted to require one parking space for every 250 sq. ft. of floor area for a single occupant office facility when such facility is designed for a much smaller occupant load. The Pizza Hut building is programmed to have extensive research areas, training areas, storage, conference and lunch room spaces that do not create a need for parking based upon the square foot ratio. It is our opinion that it is inherently unjust to allow corporations having their offices in "Industrial" zoning to be permitted to provide parking on one basis and to require corporations having their offices in Office District Zoning on a different basis. However, the Variance requested is double the requirement for Industrial Zoning.
2. Granting this parking variance will not adversely affect the rights of adjacent owners or residents. Due to the size of the site and proposed location of the building, in the event there was a parking problem, the walking distance would be too great for anyone to even consider parking off site.
3. Pizza Hut, Inc. would have to suffer unnecessary hardship if this variance is not approved, and if we have to abide by the strict application of the parking requirement not only would unnecessary expense arise out of the additional construction materials involved (asphalt paving, concrete walks and curbs, etc.) but also through needless site grading, lighting requirements, parking confusion, and additional water channeled through the city storm system.
4. This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. It will provide beauty and conservation of natural resources for our environment through more extensive landscape development.
5. Granting the variance will not be in opposition to the general spirit and intent of Title 28. Instead, it will strengthen the intent for better public health and general welfare.

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant ✓ Pizza Hut, Inc.

Mailing Address 10225 East Kellogg Phone 687-4111

Name of Authorized Agent Legal Department

Mailing Address _____ Phone 687-4161

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is provide 2 parking spaces for every 3 employees
for the largest working shift, in lieu of one parking space for every 250 sq. ft.
of floor area.

Reduce from 840 spaces to 500 spaces

for property located south side of Douglass Avenue, west of Webb Road.

and legally described as: Lot 1, Pizza Hut, Inc. Addition,
Wichita, Sedgwick Co., Kansas.

in the City of Wichita; and which is presently zoned BB office district.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Pizza Hut, Inc.
Applicant

[Signature]
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 8:45 (a.m. - p.m.), 2/24 1976 together with appropriate fee of \$50.00.

Larry Nelson
Signed

Larry White

app 5849

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY, INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot One (1), PHI ADDITION,
Sedgwick County, Kansas.

Description	Owner/Owner's Address
<u>PHI ADDITION</u>	
Lot 1	Pizza Hut, Inc. 10225 E. Kellogg Wichita, KS 67207 <i>D</i>
<u>BONNIE BRAE ADDITION</u>	
Lot 9, Block 17	✓ Jean K. Garvey no address found <i>not in phone book, Suburb Dir, or City Directory</i>
Lot 18, Block 15	✓ Norman G. & Betty J. Neugerbauer 340 S. Rutan Wichita, KS 67218 <i>sent to E Doyle 3-15</i>
Lot 19, Block 15	✓ Thomas P. & Margaret M. Williamson 262 Bonnie Brae St. Wichita, KS 67207
Block 18	✓ Jean K. Garvey no address found
<u>FOREST HILLS</u>	
Lot 6, except the North 295', Block 1	✓ Richard A. & Rosemary Davenport 60 West Parkway Wichita, KS 67206
A part of Lot 8, described as beginning at the SE corner thence NEerly along the East line 136.9' to NE corner; thence NWERly along the North line 192.0'; thence Serly 229.97' to a point on the South line which is 118.0' W of the SE corner; thence E along the S line of said Lot 118.0' to place of beginning, Block 13	✓ E. James Mitchell & Rosemary 31 Cypress Drive Wichita, KS 67206
Lot 9, Block 11	✓ LaVetta M. Coleman 15 Hawthorne Road Wichita, KS 67206
Lot 10, Block 11	✓ Lawrence A. & Mary T. Pickarts 17 Hawthorne Road Wichita, KS 67206
Lot 11, Block 11	✓ Donald William & Carol Jeanette Pinsker 19 Hawthorne Road Wichita, KS 67206
CONTINUED	

Certificate of Ownership
Page 2

Lot 19, Block 11	✓ George M & Nancy M. Crandall 14 Douglas Parkway Wichita, KS 67206
Lot 20, Block 11	✓ T.S. & Carrie L. Ansel 12 Douglas Parkway Wichita, KS 67206
Lot 21, Block 11	✓ Ruperto D. & Lillian Marlene Mendiones 10 Douglas Parkway Wichita, KS 67206
Lot 22, Block 11	✓ Donald F. & Ilene G. Hansen 8 Douglas Parkway Wichita, KS 67206
Lot 23, Block 11	✓ Lawrence O. & Valoise Herbert 32 Cypress Drive Wichita, KS 67206
N/2 of S/2 of SE/4 & E 17 acres of NE/4 of SE/4 of 20-27-2 East	✓ Mary Margaret Maxwell 1747 S. Broadway Wichita, KS 67211

Beginning at NE corner
of SE/4 of 20-27-2 East;
thence N 89°58'59" E; on
the N line of said Quarter,
a distance of 393 feet;
thence S 0°09'01" E, a distance
of 439.26 feet; thence S 65°21'40"
W, a distance of 299.37 feet;
thence S 73°19'49" W, a distance
of 125.63 feet, more or less, to
the West line of said Quarter;
thence N 0°10'04" W, a distance
of 600 feet, more or less, to the
point of beginning.

JD Jean K. Garvey
no address found

Certified this 23rd day of February, 1976, at 7:00 a.m.

GUARANTEE TITLE COMPANY, INC.

By: Mary Margaret Maxwell
President

Misc. #2173

223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1