



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

City of Wichita
Attn: Migwi Karugu
455 North Main Street
Wichita, KS 67202

August 29, 2024

RE: BZA2024-00014 – Variance request in the City to eliminate parking lot screening requirement for south parking lot of new Patrol East Police Station on property zoned TF-3 Two-Family Residential District, located on the south side of East Lincoln Street, within one-block west of South Edgemoor Avenue (5215 East Lincoln Street).

Dear applicant;

At its regular meeting on **May 9, 2024**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. The approval of the request is subject to the following conditions:

1. The site is to be developed in general conformance to the approved site plan.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
Jeff Myers, *via email*
Tessere (GLMV) Architecture, attn: Scott Smith and Lori Guthridge, *via email*

BZA RESOLUTION NO. BZA2024-00014

WHEREAS, the City of Wichita (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to eliminate the parking lot screening requirements for the south parking lot on property zoned TF-3 Two-Family Residential District, generally located on the south side of East Lincoln Street, within one-block west of South Edgemoor Avenue; legally described as follows:

A tract of land lying in a portion of Block 1, Southeast High Addition, Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:
Beginning at the Northwest corner of said Block 1, thence along the North line of said Block 1, East 403.35 feet; thence South 85.23 feet; thence Southeast 228.41 feet; thence South 184.73 feet; thence, parallel with the North line of said Block 1, West 480.32 feet to a point on the West line of said Block 1; thence along said West line, North 485.00 feet to the point of beginning.

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 9, 2024, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a Variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Variance arises from the condition that the patrol station is a unique use; and

WHEREAS, granting the Variance will not adversely affect the rights of adjacent property owners. The south edge of the parking lot does not face any residents; and

WHEREAS, the strict application of the Code constitutes an unnecessary hardship. The property owner will otherwise incur additional maintenance at the expense of site security; and

WHEREAS, granting the Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community. The Variance improves safety by increasing visibility and reducing areas of cover; and

WHEREAS, granting the Variance will not be opposed to the general spirit and intent of the Code. The only area where a Variance was requested is along the south edge of the parking lot.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be **GRANTED**.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to eliminate the parking lot screening requirements for the south parking lot on property zoned TF-3 Two-Family Residential District, generally located on the south side of East Lincoln Street, within one-block west of South Edgemoor Avenue; legally described as follows:

A tract of land lying in a portion of Block 1, Southeast High Addition, Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:
Beginning at the Northwest corner of said Block 1, thence along the North line of said Block 1, East 403.35 feet; thence South 85.23 feet; thence Southeast 228.41 feet; thence South 184.73 feet; thence, parallel with the North line of said Block 1, West 480.32 feet to a point on the West line of said Block 1; thence along said West line, North 485.00 feet to the point of beginning.

The Variance is hereby **GRANTED**, subject to the following conditions:

1. The site is to be developed in general conformance to the approved site plan.

ADOPTED AT WICHITA, KANSAS, this 10th Day of MAY 2024.



Robert Dool, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	542233	Print Legal Ad-IPL01689480 - IPL0168948	OCA 150004	\$191.78	3	76 L

Attention: MANDY HEBERT
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on April 18, 2024
(One Time Only)
MAPC/BZA May 9, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, May 9, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00014: Variance request in the City to eliminate parking lot screening requirement for south parking lot of new Patrol East Police Station on property zoned TF-3 Two-Family Residential, located on the south side of East Lincoln St and within one-block west of South Edgemoor St (5215 E. Lincoln).

BZA2024-00019: Variance Request in the City to reduce interior side setback from 6 feet to 6 inches to bring a shed into conformance, generally located on the west side of North Gentry Drive and within one-quarter mile south of East 25th Street North (2425 North Gentry Drive).

CON2024-00020: Conditional Use Amendment in the City to modify the existing CON2012-00021 and CU-523 to allow outside music/dancing and modify hours of operations, located approximately 700 feet east of Tyler Rd and north of 21st Street North (6558 West 21st Street North).

CUP2024-00011: Community Unit Plan in the City to create the Yellowstone Commercial CUP (with ZON2024-00020 for LC zoning) to allow for the development of a commercial development, located on the southeast corner of South 119th Street West and West Pawnee Avenue.

PUD2024-00005: Zone Change request in the City from GI General Industrial to PUD Planned Unit Development to permit a gravel surface under existing outdoor storage area and drive aisles; generally located within one-quarter mile south of East 37th Street North and on the east side of North Ohio Avenue (3518 North Ohio).

PUD2024-00006: To create and establish a PUD for the construction of a new substation; generally located south of East 9th Street, west of North Hillside Avenue and east of Chautauqua Avenue (3001 East Mossman Avenue).

PUD2024-00007: Zone Change request in the City from GC General Commercial to PUD Planned Unit Development to permit use of the site for outdoor display/sale but allow a gravel surface and adjust screening requirements; located on the north side of West Kellogg and within one-half mile west of South 135th Street West.

VAC2024-00019: Vacation request in the City to reduce platted street side setback from 15 feet to 6 feet to build a garage; generally located on the northwest corner of West 9th Street North and North Robin Road (1001 North Robin Road).

VAC2024-00020: Vacation request in the City to vacate a portion of a platted alley for future development, located south of West Douglas Avenue and within one-block west of South Clara Street (alley located between 5009 and 5015 West Douglas Avenue).

VAC2024-00021: Vacation request in the city to vacate a portion of a 20-foot utility easement; generally located south of East 37th Street North and east of North Saint Francis Street.

ZON2024-00020: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial (with CUP2024-00011); generally located on the southeast corner of South 119th Street West and West Pawnee Avenue.

ZON2024-00021: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Multi-Family Residential; generally located on the east side of South 119th Street West and within one-quarter mile south of West Pawnee Avenue. Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

- Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.
- Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Department staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov

Mailing Address:

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

- If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on April 18, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0168948

Apr 18 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

04/18/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 04/18/2024 to 04/18/2024.

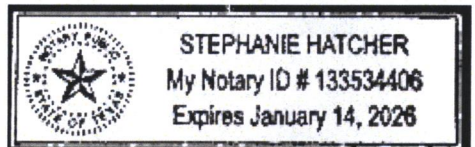
Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 04/18/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in
Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

SECRETARY'S REPORT

CASE NUMBER: BZA2024-00014 (City)

APPLICANT: City of Wichita (Applicant)/GLMV Architecture (Agent)

REQUEST: Variance to eliminate the parking lot screening requirement for the south parking lot of a new Wichita Police Department East Substation

CURRENT ZONING: TF-3 Two-Family Residential District

SITE SIZE: 5.00 acres

LOCATION: Generally located on the southeast corner of East Lincoln Street and South Pinecrest Avenue (5215 East Lincoln).



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The applicant requests a Variance to eliminate the parking lot screening requirement of a property zoned TF-3 Two-Family Residential District. The subject site is located on the southeast corner of East Lincoln Street and South Pinecrest Avenue (5215 East Lincoln). The subject site is currently being developed as a police station. In 2021, the Metropolitan Area Planning Commission approved the Conditional Use request for the police station (CON2021-00018). Since the attached aerial image was taken, the police station has been constructed and the tennis courts have been removed.

Wichita passed a Landscape Ordinance (Title 28-Zoning: Chapter 28.06 of the Wichita City Code) in order to enhance the attractiveness of the city and improve the quality of life for its citizens and visitors. The Ordinance seeks to protect residential developments from surrounding uses, soften harsh expanses of pavement, and screen undesirable views. The Wichita Landscape Ordinance requires parking lots (or additions to existing parking lots) to be continuously screened from view of the street, except at driveways when next to residential zoning. As demonstrated in the site plan, the applicant intends to install landscaping around the north and west property lines, as required by the Wichita Landscape Ordinance. It also features various plantings in the property's open space around the perimeter of the new building. Lastly, the applicants intend to install interior planting islands, since the parking lot exceeds 50 spaces. The site plan does not show landscaping on the south side of the parking lot. Deviations from the Wichita Landscape Ordinance require a Variance.

SURROUNDING DEVELOPMENT: Properties to the north are zoned MF-29 Multi-Family Residential District and are developed with a single-family dwelling and quadplexes. Property to the south and east is zoned TF-3 Two-Family Residential District and is developed with a middle school and school district administrative offices. Properties to the west are zoned TF-3 and MF-29 and are developed with a duplex and triplexes.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29	Single-family dwelling, quadplexes
SOUTH:	TF-3	Middle school, administrative offices
EAST:	TF-3	Middle school, administrative offices
WEST:	TF-3, MF-29	Duplex, triplexes

CASE HISTORY: In 1967, the Board of Zoning Appeals granted two Variances to the subject site: one to permit an extension of the roof into the front yard, and another to permit parking in the front yard setback on the west side (BZA15-67). On February 1, 1968, the subject site was platted as Lot 1 of the Southeast High Addition. In 2003, Planning staff administratively approved a reduction in setbacks along South Edgemoor Avenue (BZA2003-00033). In 2021, the Metropolitan Area Planning Commission approved a Conditional Use request for a police station (Safety Services) on the site (CON2021-00018).

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. The request is unique to this property and was not created by the applicant.

- a. The applicant states that "This property is the future location of the City of Wichita Patrol East. The unique condition is the use. As a patrol station, security is of utmost importance. The most vulnerable area of the property is the parking lot. Eliminating the screening along the south edge of the lot improves visibility into the parking lot, thereby improving site security."

Staff Analysis:

Staff is in agreement with the above statement. The police station, classified as Safety Services in the Unified Zoning Code, is permitted by Conditional Use in residential zoning and is not exempt from the requirements set forth by the Wichita Landscape Ordinance. However, given the nature of the use, landscaping may impair the visibility, which may improve the safety and security of the site.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.

a. The applicant states that "The Variance will not adversely affect the rights of the adjacent property owners. There is an existing condition where the old Southeast High School parking lot, which faces Pinecrest Street, is not screened. This project improves the condition. Care was taken to screen the west side of the parking lot from the view of Pinecrest Street. The south edge of the parking lot does not face any residents. The majority of the south edge is adjacent to the tennis court. The rest is adjacent to open play fields."

Staff Analysis:

Staff is in agreement with the above statement. One of the purposes of the Wichita Landscape Ordinance is to protect residential developments from surrounding uses. The landscaping currently required for this portion of the parking lot is not adjacent to any residential development.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.

a. The applicant states that "if strictly applied, the owner will not only incur additional maintenance, the screening along the south reduces visibility, provides cover, and therefore impacts site security."

Staff Analysis

Staff is in agreement with the above statement. Eliminating the parking lot screening requirement along the south side of the parking lot will facilitate the safety and surveillance of the property around the site.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.

a. The applicant states that "the Variance will not adversely impact the public. Instead, it improves public safety by increasing visibility and reducing areas of cover."

Staff Analysis:

Staff is in agreement with the above statement. Eliminating the parking lot screening requirement along the south side of the parking lot will facilitate the safety and surveillance of the property around the adjacent open fields.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.

a. The applicant states that "the spirit of the Landscape Ordinance is to enhance the attractiveness of the city and improve the quality of life for its residents. The only area where a Variance is being requested is along the south edge of the parking lot where it abuts an open play field and tennis courts."

Staff Analysis:

Staff is in agreement with the applicant's statement. The ordinance "seeks to protect residential developments from surrounding uses, soften harsh expanses of pavement, and screen undesirable views." The parking lot in question is in the rear of the property and the visibility of the parking lot is buffered from the surrounding properties by the development of the larger campus. There is parking lot screening provided along South Pinecrest on the west side of the parking lot. This landscaping will improve the aesthetics of the parking lot from view of South Pinecrest and the residential uses to the west.

RECOMMENDATION: The recommendation of Staff is that the request to eliminate the parking lot screening requirement along the south edge of the parking lot **meets** the five criteria required to grant a Variance. Staff recommends the following condition of approval:

1. The site is to be developed in general conformance to the approved site plan.

Staff Report Attachments:

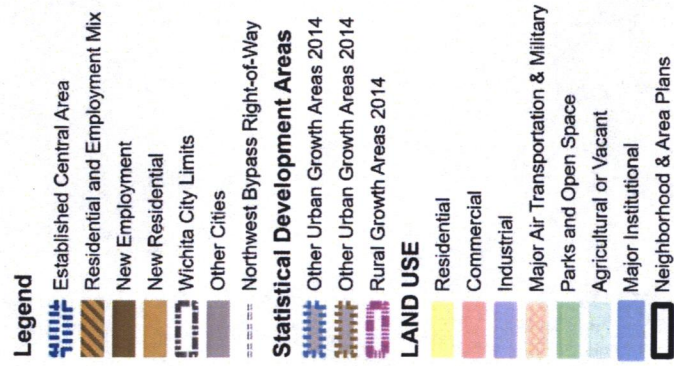
1. Aerial Map
2. Land Use Map
3. Zoning Map
4. Site Plan
5. Variance Justification Letter

Aerial Map

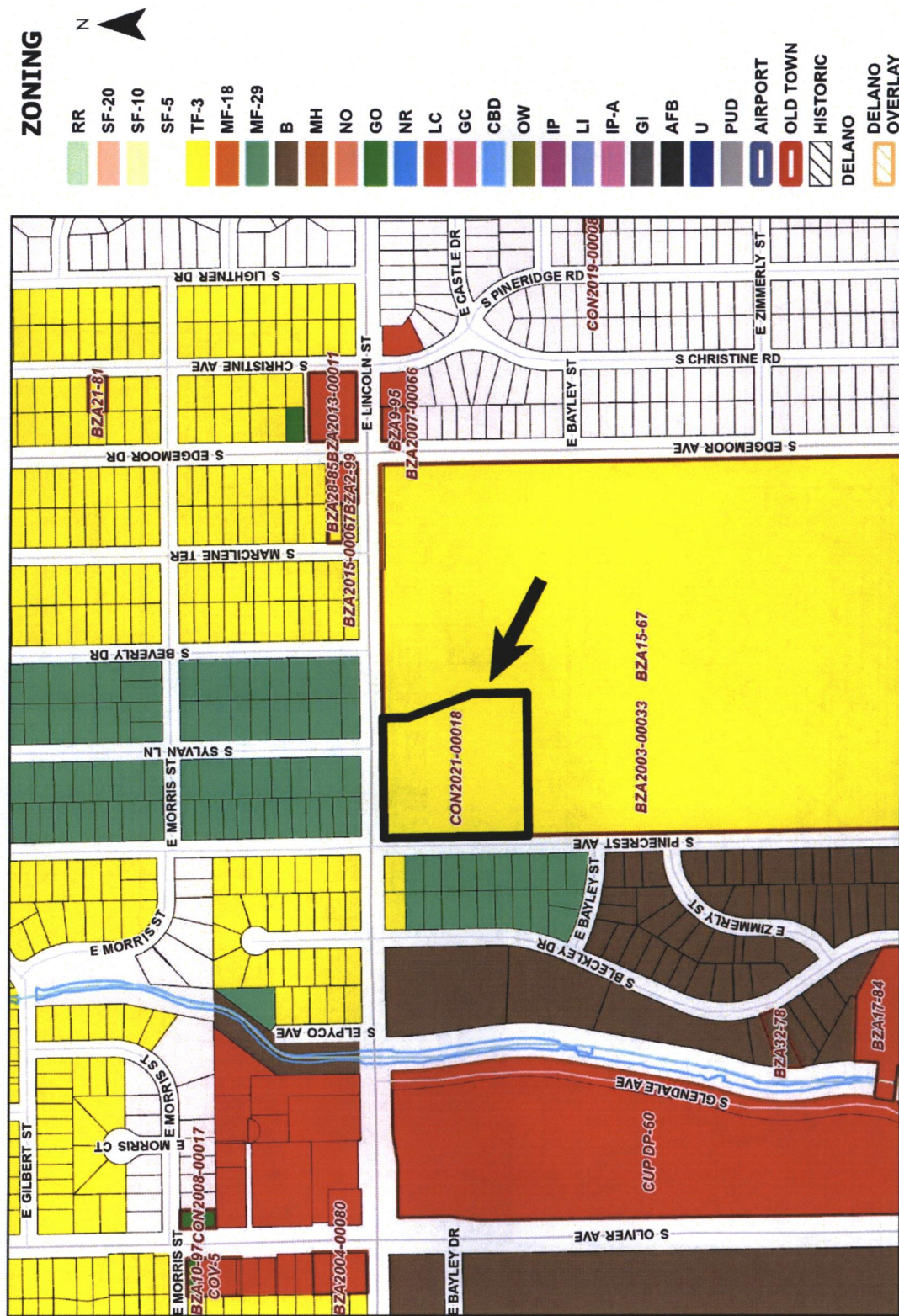


Future Land Use Map

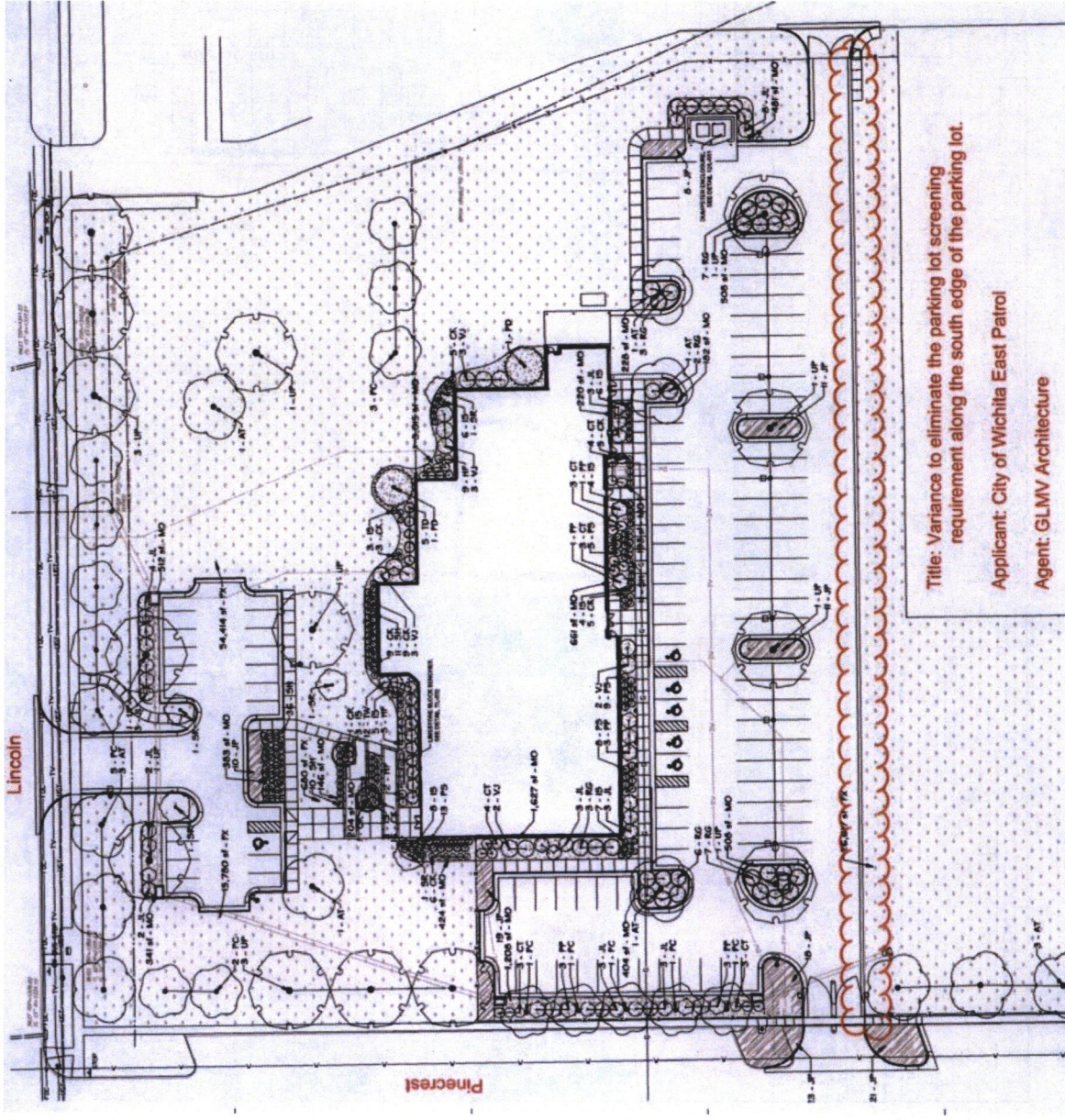
2035 Wichita Future Growth Concept Map



Zoning Map



Site Plan



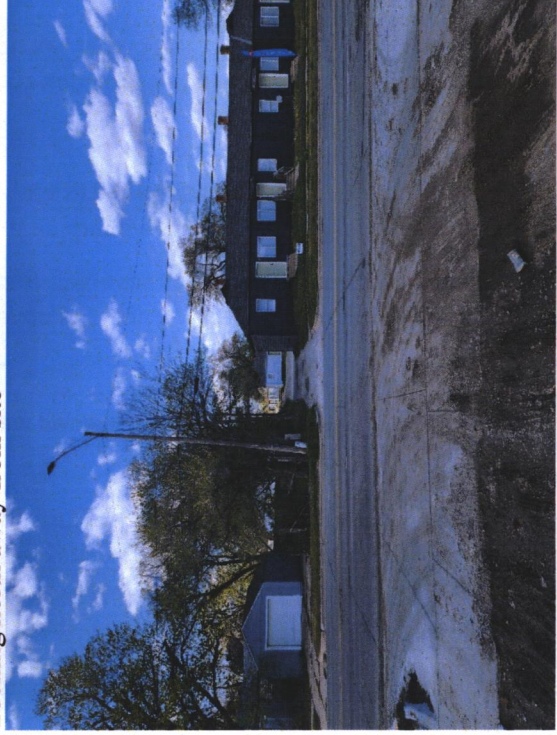
Looking east at site



Looking south at site



Looking north away from site



Looking west away from site



Applicant's Variance Justification Letter

City of Wichita Patrol East Variance Application
Statement regarding five conditions required for granting a variance

Condition a. The variance request arises from a 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 of the property owner or the applicant.

Response: This property is the future location of the City of Wichita Patrol East. The unique condition is the use. As a patrol station, security is of the utmost importance. The most vulnerable area of the property is the parking lot. Eliminating the screening along the south edge of the lot improves visibility into the parking lot, thereby improving site security.

Condition b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Response: The variance will not adversely affect the rights of the adjacent property owners. There is an existing condition where the old Southeast HS parking lot, which faces Pinecrest Street, is not screened. This project improves this condition. Care was taken to screen the west side of the parking lot from view of Pinecrest Street. The south edge of the parking lot does not face any residents. The majority of the south edge is adjacent to the tennis court. The rest is adjacent to open play fields.

Condition c. The strict application of the provisions of the application Code from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

Response: If strictly applied, the owner will not only incur additional maintenance, the screening along the south reduces visibility, provides cover, and therefore impacts site security.

Condition d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

Response: The variance will not adversely impact the public. Instead, it improves public safety by increasing visibility and reducing areas of cover.

Condition e. Granting the variance desired will not be opposed to the general spirit and intent of the applicable Code.

Response: The spirit of the Landscape Ordinance is to enhance the attractiveness of the city and improve the quality of life for its residents. The ordinance was strictly adhered to where views of the parking lot would impact adjacent residents. The only area where a variance is being requested is along the south edge of the parking lot where it abuts an open play field and tennis courts.