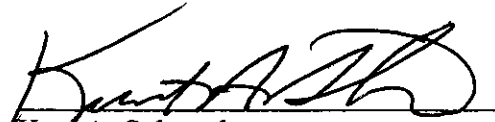


declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.



John L. Schlegel
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Richard Chamberlin, Office of Central Inspection



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 18, 2005

Joe Hoover
USD 259
3850 N. Hydraulic
Wichita, KS 67219

Re: BZA2005-00042: Zoning Adjustment to reduce the parking requirement from 61 spaces to 54 spaces and to allow parking spaces to be located within the street side setback no closer than 12 feet and 10 inches from the property line along Mildred Street at College Hill Elementary School.

Legal Description: N 202 FT W1/2 LOT 3 BLOCK 7 COLLEGE HILL ADD; and

**BEG SW COR LOT 3 E 163.5 FT N 60 FT W 12 FT N 40 FT W TO PT 100 FT N OF
BEG TH S 100 FT TO BEG BLOCK 7 COLLEGE HILL ADD; and**

**E1/2 LOT 3 EXC W 12 FT S 60 FT E1/2 & ALL LOT 4 BLOCK 7 COLLEGE HILL
ADD.**

Located on the northwest corner of East 1st Street North and North Clifton Ave.

Dear Mr. Hoover:

We have reviewed your request for a Zoning Adjustment to reduce the parking requirement and permit parking spaces to be located within the setback on the above-referenced property. From reviewing your application, we understand that USD 259 proposes to remodel College Hill Elementary School. The remodeled school requires compliance with the parking requirement, which is 61 spaces. We understand that you propose to provide 54 spaces on the property. Additionally, you have requested an adjustment to permit the parking spaces located along Mildred Street to be located within the street side setback but no closer than 12 feet 10 inches from the property line.

Sec. V-I.2.i. of the Unified Zoning Code allows an adjustment to reduce the parking requirement by up to 25 percent for redevelopment of existing sites and Section V-I.2.l. of the Unified Zoning Code allows an adjustment to permit parking within front and street side setbacks no closer than 8 feet from the property line when the conditions required by Sec. V-I.6. of the Code are met. We find that

the reduction of the parking requirement and permitting parking within the street side setback as proposed meets the four conditions required by Sec. V-I.6. of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Flexibility is provided within the Code to allow for minor changes in the number of parking spaces provided and the location of such spaces in order to encourage redevelopment of existing sites. The requested adjustments are within allowable limits; therefore, sufficient on-site parking should be provided such that on-street parking for the school should not exceed the amount of on-street parking available. Also, the proposed location of parking spaces is such that parked vehicles should not encroach upon sidewalks.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on uses in surrounding areas as a result of the requested adjustments, as sufficient parking should be provided on-site with no resulting off-site parking need being generated by the proposed use that would utilize parking provided for adjacent uses. Parking agreements with the adjacent church for overflow parking are encouraged but not required at this time.
- 3) Compatibility with existing or permitted uses on abutting sites: Single-family residences, duplexes, and accessory uses such as parking are permitted in the "SF-5" Single-family and "TF-3" Two-Family zoning districts, and the requested adjustments should not compromise existing or permitted uses on abutting sites due to the minor nature of the requested adjustments.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a 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 parking requirement from 61 spaces to 54 spaces and to allow parking spaces to be located within the front and street side setbacks no closer than 12 feet 10 inches from the property line along Mildred Street is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The parking areas shall be paved and marked in general conformance with the approved site plan.
- 3) Redevelopment of the site shall generally comply with the requirements of the Landscape Ordinance per a landscape plan approved by the MAPD prior to the issuance of a building permit.
- 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,

