

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as undeveloped land is available at this site, but the cost of providing 91 additional parking spaces cannot be justified in that the 97 spaces to be provided more than meet the proposed customer and employee parking needs.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as parking proposed to be made available on this site should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the 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 ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a 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. This parking reduction from 187 spaces to 97 spaces applies to a building with no more than 95,000 square feet which is used for a furniture store and which *has no more than 50,000 square feet of showroom or to a use which requires no more than 97 parking spaces.
2. The area indicated on the site plan as an area containing 91 parking spaces shall be considered a reserve for future parking if needed.
3. The furniture store and parking require per this variance shall be developed within two years.
4. 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.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5
November 22, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 34-94

OWNER/APPLICANT: C. C. R. Associates and Haverty Furniture Co.(Contract Purchaser)

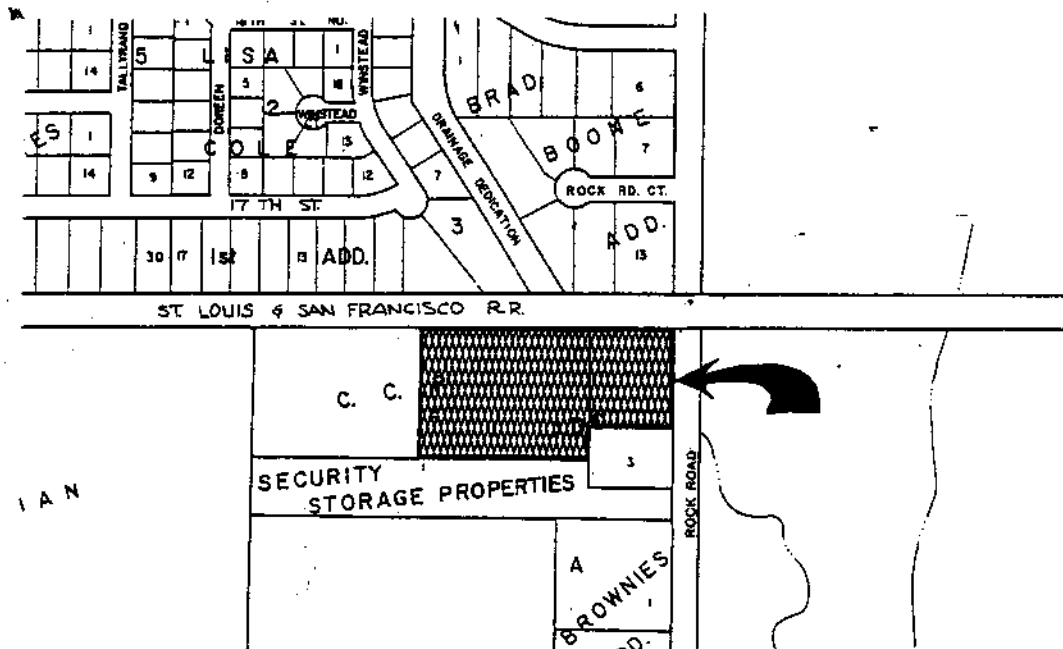
AGENT: John Abbott, Stang & Newdow Inc., and Gary Wiley, P. E. C.

REQUEST: Variance to reduce the parking requirement from 187 spaces to 97 spaces.

CURRENT ZONING: "LC" Light Commercial and "BB" Office District.

SITE SIZE: 6.02 Acres

LOCATION: 1/2 mile north of 13th Street on the west side of Rock Road (south of S. L. & S. F. Railroad R. O. W.)



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 applicants, C. C. R. Associates (owners) and Haverty Furniture Companies (contract purchaser), are requesting a variance on the parking space requirements for a proposed furniture store to be located on 6.02 acres of land 1/2 mile north of 13th Street on the west side of Rock Road. The application site has been approved for "LC" Light Commercial Zoning and is being platted as Lot 1, Block 1, C. C. R. Second Addition. The applicants are proposing to develop the site with a 95,000 square foot building to be used as a furniture store. The areas associated with the uses within the building--50,000 square foot showroom, 42,000 square foot warehouse, and 3,000 square foot office--require per the zoning code 187 parking spaces. The applicants are proposing to provide only 97 parking spaces. The site plan which was submitted with this request indicates that the site will accommodate the required 187 parking spaces, but the applicants suggest that 90 of those parking spaces are not needed to support the proposed size of furniture store to be located on the site.

The applicants have indicated that the maximum number of customers expected in the showroom at any one time would be 40 and that there will be 74 customer parking spaces located on the east side of the building. Employee parking will be provided for in the 24 parking spaces that will be located west of the building.

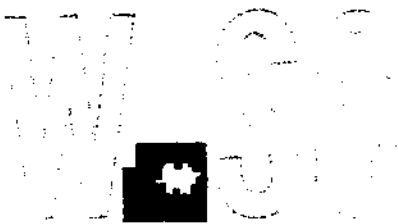
The applicants have provided information in support of the request for the reduction of the parking requirement from 187 to 97 spaces, and it is included as attachment No. 1.

ADJACENT ZONING AND LAND USE:

NORTH:	"BB" & "R-5"	Medical Offices
SOUTH:	"BB" & "LC"	Self Service Storage
EAST:	"AA"	Single-Family Dwelling
WEST:	"BB" (approved for "C")	Undeveloped Land

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it will be developed with a furniture store which will contain large items which will require large storage areas for which there will be relatively few employees and customers per square foot of building area.

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 97 parking spaces for this furniture store should be sufficient for this business which projects the maximum number of customers, at any given time, to be 40 along with 20 employees and, therefore, there should be no need to park on adjacent private properties. Also, there is sufficient area on the site to provide 90 additional parking spaces if they are even needed.



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

December 1, 1994

Rawson Haverty, Jr.
Haverty Furniture Companies
866 W. Peachtree St., N. W.
Atlanta, GA 30308

Re: BZA 34-94 - Variance to reduce the parking requirement from 187 spaces to 98 spaces for a proposed furniture store.

Dear Mr. Haverty:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 22, 1994. 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,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

LM/hm

Enclosure

cc: Stephen L Clark, C. C. R. Associates, P. O. Box 21080, Wichita, KS 67208
Gary Wiley, P. E. C., 303 S. Topeka, Wichita, KS 67202
John Abbott, Stang & Newdow, Inc., 84 Peachtree St. N. W. Suite 500, Atlanta, GA 30303
Randy Sparkman, OCI

Rawson Haverty, Jr

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December 1, 1994

Paul Hays, OCl

Ray Sledge, OCl

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD

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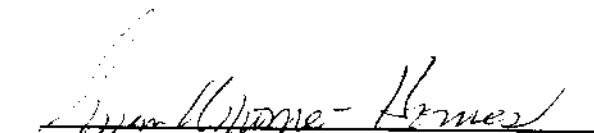
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the parking requirement from 187 spaces to 98 spaces on property zoned "LC" Light Commercial and "BB" Office District and legally described as follows:

Lot 1 and Lot 2 except the west 494 feet, C.C.R. Addition, Wichita, Sedgwick County, Kansas. (Being replatted as Lot 1, Block 1, C.C.R. 2nd Addition, Wichita, Sedgwick County, Kansas.) Generally located 1/2 mile north of 13th Street on the west side of Rock Road (south of S. L. & S. F. Railroad R. O. W.).

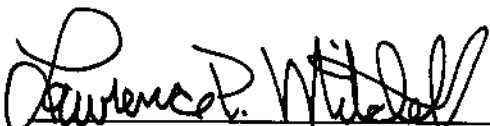
subject to the following conditions:

1. This parking reduction from 187 spaces to 98 spaces applies to a building with no more than 95,000 square feet which is used for a furniture store and which has no more than 50,000 square feet of showroom or to a use which requires no more than 98 parking spaces.
2. The area indicated on the site plan as an area containing a possible 91 parking spaces located south of the building shall be reserved for future parking for this building and shall be paved for parking, either in total or in part, upon a finding by the City Traffic Engineer that insufficient parking is being provided for this business in the 98 space lot.
3. The furniture store and parking required per this variance shall be developed within two years.
4. 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.

ADOPTED AT WICHITA, KANSAS, this 22nd day of November 1994.


- Susan Osborne-Howes, President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 34-94

WHEREAS, C. C. R. Associates and Haverty Furniture Co., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 187 spaces to 98 spaces on property zoned "LC" Light Commercial and "BB" Office District and legally described as follows:

Lot 1 and Lot 2 except the west 494 feet, C.C.R. Addition, Wichita, Sedgwick County, Kansas. (Being replatted as Lot 1, Block 1, C.C.R. 2nd Addition, Wichita, Sedgwick County, Kansas.) Generally located 1/2 mile north of 13th Street on the west side of Rock Road (south of S. L. & S. E. Railroad R. O. W.).

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 November 22, 1994, 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 will be developed with a furniture store which will contain large items which will require large storage areas for which there will be relatively few employees and customers per square foot of building area; 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 98 parking spaces for this furniture store should be sufficient for this business which projects the maximum number of customers, at any given time, to be 40 along with 20 employees and, therefore, there should be no need to park on adjacent private properties. Also, there is sufficient area on the site to provide at least 89 additional parking spaces if they are ever needed; 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 undeveloped land is available at this site, but the cost of providing 89 additional parking spaces cannot be justified in that the 98 spaces to be provided more than meet the proposed customer and employee parking needs; 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 parking proposed to be made available on this site should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the 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 the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use; and

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