

Principal Meridian; thence North parallel with the East line of said Quarter Section 222.55 feet to the right-of-way of the Chicago, Kansas & Nebraska Railway; thence Southwesterly along said right-of-way to a point 40 rods South of the North line of said Quarter Section; thence East 24.43 feet to the point of beginning. (715 E. 13th Street)

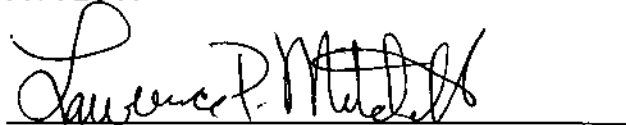
subject to the following conditions:

1. The parking reduction from 218 spaces to 122 spaces applies to buildings with no more than 134,844 square feet (20,800 square feet office, 114,044 square feet warehouse/mill) which will be used to mill grain and which employ no more than 115 employee on any shift or to a use which requires no more than 122 parking spaces.
2. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing condition.

ADOPTED AT WICHITA, KANSAS, this 28th day of February 1995.


Brad Teeter, Vice President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 2-95

WHEREAS, Cargill Inc. pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 218 spaces to 122 spaces on property zoned "E" Light Industrial and legally described as follows:

A tract of land described as beginning 37 rods West of the Northeast corner of the Northwest Quarter of Section 16, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence West to the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence South along said right-of-way line 40 rods for a place of beginning; thence South along said right-of-way line, 298 feet more or less; thence East 328 feet more or less to the West line of Mead Avenue; thence North along the West line of Mead Avenue, 298 feet more or less to a point 40 rods South of the North line of the Northwest Quarter of Section 16, Township 27 South, Range 1 East; thence West 328 feet more or less to the point of beginning.

AND

A tract of land described as beginning 37 rods West of the Northeast corner of the Northwest Quarter of Section 16, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence West to the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence South along said right-of-way line 40 rods; thence East to a point 37 rods West of the East line of said Northwest Quarter of said Section 16; thence North 40 rods to the point of beginning, together with the North 23 feet, more or less, of vacated 12th Street adjoining said tract on the South, excepting the North 30 feet of said tract conveyed to the City of Wichita for street purposes; and excepting a tract described as follows: Beginning at a point 37 rods West and 40 rods South of the Northeast corner of the Northwest Quarter of Section 16, Township 27 South, Range 1 East of the Sixth Principal Meridian; thence North parallel with the East line of said Quarter Section 222.55 feet to the right-of-way of the Chicago, Kansas & Nebraska Railway; thence Southwesterly along said right-of-way to a point 40 rods South of the North line of said Quarter Section; thence East 24.43 feet to the point of beginning. (715 E. 13th Street)

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 February 28, 1995, 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 the site is developed with a grain milling activity that, due to the scale of the equipment, requires a large space for milling and storage but which has relatively few employees per square foot.

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 parking being made available on site should be adequate to

meet the needs of the employees which will be on-site at any given time. Therefore, there should be no need for employees to seek parking on adjacent properties.

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 in the applicant's ownership is available in the immediate area, but the cost of providing 96 additional parking spaces cannot be justified when only 122 spaces are needed at any one time to meet the parking needs of this business.

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 the amount of the parking proposed to be made available 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.

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 at an appropriate location for the needs of specific types of uses and the reduced parking requirements on this site should be adequate for this specific use.

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 this request be approved for a variance to reduce the parking requirement from 218 spaces to 122 spaces on property zoned "E" Light Industrial and legally described as follows:

A tract of land described as beginning 37 rods West of the Northeast corner of the Northwest Quarter of Section 16, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence West to the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence South along said right-of-way line 40 rods for a place of beginning; thence South along said right-of-way line, 298 feet more or less; thence East 328 feet more or less to the West line of Mead Avenue; thence North along the West line of Mead Avenue, 298 feet more or less to a point 40 rods South of the North line of the Northwest Quarter of Section 16, Township 27 South, Range 1 East; thence West 328 feet more or less to the point of beginning.

AND

A tract of land described as beginning 37 rods West of the Northeast corner of the Northwest Quarter of Section 16, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence West to the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence South along said right-of-way line 40 rods; thence East to a point 37 rods West of the East line of said Northwest Quarter of said Section 16; thence North 40 rods to the point of beginning, together with the North 23 feet, more or less, of vacated 12th Street adjoining said tract on the South, excepting the North 30 feet of said tract conveyed to the City of Wichita for street purposes; and excepting a tract described as follows: Beginning at a point 37 rods West and 40 rods South of the Northeast corner of the Northwest Quarter of Section 16, Township 27 South, Range 1 East of the Sixth



METROPOLITAN AREA PLANNING
DEPARTMENT

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

March 1, 1995

Scott Jenkins
Cargill Inc.
715 E. 13th Street
Wichita, Kansas 67214

RE: BZA 2-95 Variance to reduce the parking spaces required from 218 spaces to 122 spaces.

Dear Mr. Jenkins:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on February 28, 1995. This resolution reflects the official action of the Board to grant your request. 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 268-4421.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/le

cc: Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

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 in the applicant's ownership is available in the immediate area, but the cost of providing 96 additional parking spaces cannot be justified when only 122 spaces are needed at any one time to meet the parking needs of this business.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the amount of the parking proposed to be made available 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.

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. The parking reduction from 218 spaces to 122 spaces applies to buildings with no more than 134,844 square feet (20,800 square feet office, 114,044 square feet warehouse/mill) which will be used to mill grain and which employ no more than 115 employee on any shift or to a use which requires no more than 122 parking spaces.
2. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing condition.

SECRETARY'S REPORT

CASE NUMBER: BZA 2-95

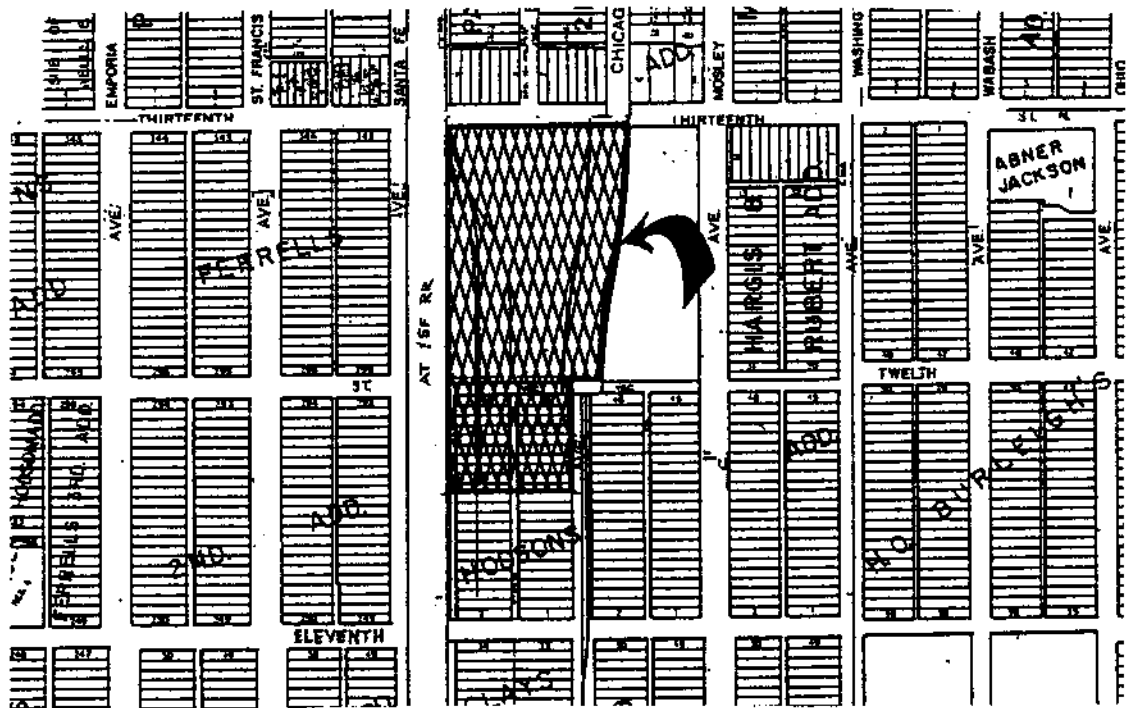
OWNER/APPLICANT: Cargill Inc.
AGENT: Scott Jenkins

REQUEST: Variance to reduce the parking requirement from
218 spaces to 122 spaces

CURRENT ZONING: "E" Light Industrial

SITE SIZE: 6.8 Acres

LOCATION: South of 13th Street between Mosley and Santa Fe.
(715 E. 13th Street)



JURISDICTION: The Board has jurisdiction to consider this 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 applicant, Cargill, Inc., is requesting a variance on the parking space requirement on property which is located south of 13th Street North between Mosley and Santa Fe. The requested variance is to reduce the required parking spaces from 218 to 122 spaces.

Cargill Inc. has a flour milling operation and their regional office located on this site. The applicant is in the process of expanding their business on this site by constructing an additional warehouse building. The total site, including the new warehouse will contain 134,844 square feet of building space of which 20,800 square feet will be used as office space and the remaining 114,044 square feet will be used for the flour milling operations. The office of Central Inspection has determined that the total parking space requirement for the site based on the specific uses of the floor area is 218 spaces. The applicant has indicated that the equipment used for the milling process requires large amounts of floor space but needs relatively few employees per square foot to operate the equipment. Cargill Inc. currently has 135 employees and operates three shifts at this location. Twenty of these employees work on the 2nd and 3rd shift. Therefore, the applicant has indicated that based on their employee parking space needs for 1st shift and overflow for 2nd shift employees, arriving before the end of 1st shift, 122 parking spaces would be adequate for the number of employees being on the site at any given time. There are no direct sales to the public from this location.

ADJACENT ZONING AND LAND USE:

NORTH	"E"	Grain Milling - Cargill
SOUTH	"E"	Warehouse
EAST	"E"	Undeveloped
WEST	"E"	Office - Warehouse

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is developed with a grain milling activity that, due to the scale of the equipment, requires a large space for milling and storage but which has relatively few employees per square foot.

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 the parking being made available on site should be adequate to meet the needs of the employees which will be on-site at any given time. Therefore, there should be no need for employees to seek parking on adjacent properties.