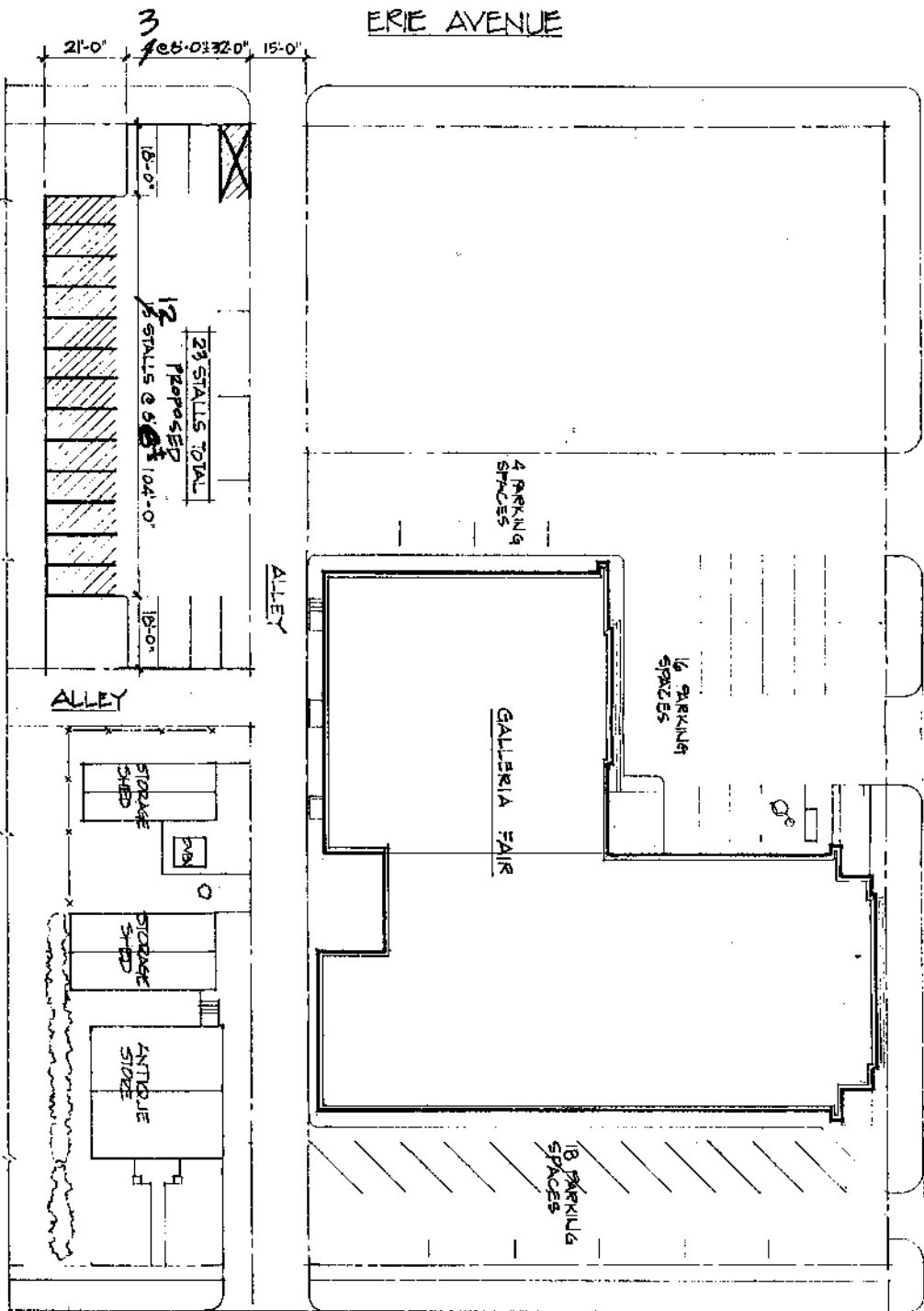


CENTRAL AVENUE

ERIE AVENUE

CHAUTAUQUA STREET



PROPOSED
SUPPLEMENTARY SITE / PARKING PLAN
THE GALLERIA FAIR ADDITION
11-30-90
7 NOVEMBER 1990



NORTH

59

59,000 TOTAL SQUARES

BZA 23-90

Revised and Approved by
Board of Zoning Appeals 12/18/90
L.C.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 255-4561

December 27, 1990

Ann Buchanan, Owner
Galleria Fair
2929 E. Central
Wichita, KS 67214

Re: BZA 23-90 - Variance to reduce the number of required parking spaces from 80 to 59 on property zoned "LC" Light Commercial, located on the south side of Central between Erie & Chautauqua (2929 E. Central).

Dear Ms. Buchanan:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on December 18, 1990. 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.

If you have questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

Lots 63, 65, 67, 69, 71, 73, 75 and 77 on Central; Lots 2 and 4 on Erie; and Lot 1 and the north 24 feet of Lot 3 on Chautauqua; all in Maple Grove Addition to Wichita, Kansas. Generally located on the south side of Central between Erie and Chautauqua (2929 E. Central).

subject to the following conditions:

1. The lots shall be striped for 59 parking spaces, as shown on the plan revised and approved by the Board on December 18, 1990. This shall be completed within 60 days following approval by the Board or this variance shall be considered null and void.
2. Until such time as more than 59 parking spaces can be provided, as required by the parking code, the maximum number of seats in the restaurant shall not exceed 60.

ADOPTED AT WICHITA, KANSAS, this 18th day of December, 1990.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 23-90

WHEREAS, Galleria Fair, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the number of required parking spaces from 80 to 61 on property zoned the "LC" Light Commercial and "BB" Office Districts and legally described as follows:

Lots 63, 65, 67, 69, 71, 73, 75 and 77 on Central; Lots 2 and 4 on Erie; and Lot 1 and the north 24 feet of Lot 3 on Chautauqua; all in Maple Grove Addition to Wichita, Kansas. Generally located on the south side of Central between Erie and Chautauqua (2929 E. Central).

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 December 18, 1990, 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 a portion of the building at 2929 E. Central is devoted to bulky furniture display and cannot be "inhabited" by clients and the restaurant area has spacious seating, providing only two-thirds of the maximum seating capacity; 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 it has been photographically documented that even during peak business hours, the existing parking lots east, west and southwest of the building provide adequate parking for the clients of Galleria Fair; 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 owners represented in the application inasmuch as the only means of providing additional parking would be to tear down storage buildings which are now in use and this loss of storage space, plus the cost of demolition and of paving, would be an unnecessary hardship on the business operation; 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 adequate parking has been demonstrated to be available on site for the specific existing uses and therefore there should be no need for customers (or employees) to park illegally within public right-of-way so as to create congestion and hazardous traffic conditions; 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 Title 28 (Zoning Ordinance) inasmuch as the intent of the parking requirements of the ordinance is to provide adequate off-street parking for the specific needs of a business and it has been demonstrated that adequate parking does exist; 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 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 number of required parking spaces from 80 to 59 on property zoned the "LC" Light Commercial and "BB" Office Districts and legally described as follows:

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as a portion of the building at 2929 E. Central is devoted to bulky furniture display and cannot be "inhabited" by clients and the restaurant area has spacious seating, providing only two-thirds of the maximum seating capacity.

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 it has been photographically documented that even during peak business hours, the existing parking lots east, west and southwest of the building provide adequate parking for the clients of Galleria Fair.

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 the only means of providing additional parking would be to tear down storage buildings which are now in use and this loss of storage space, plus the cost of demolition and of paving, would be an unnecessary hardship on the business operation.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as adequate parking has been demonstrated to be available on site for the specific existing uses and therefore there should be no need for customers (or employees) to park illegally within public right-of-way so as to create congestion and hazardous traffic conditions.

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 requirements of the ordinance is to provide adequate off-street parking for the specific needs of a business and it has been demonstrated that adequate parking does exist.

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 lots shall be striped for 61 parking spaces, as shown on the plan submitted with the application and approved by the Board. This shall be completed within 60 days following approval by the Board or this variance shall be considered null and void.
2. Until such time as more than 61 parking spaces can be provided, as required by the parking code, the maximum number of seats in the restaurant shall not exceed 54.

December 18, 1990

SECRETARY'S REPORT

CASE NUMBER: BZA 23-90

OWNER/APPLICANT/AGENT: Annie L.P. (owner)
Galleria Fair (applicant)
Ann Buchanan (agent)

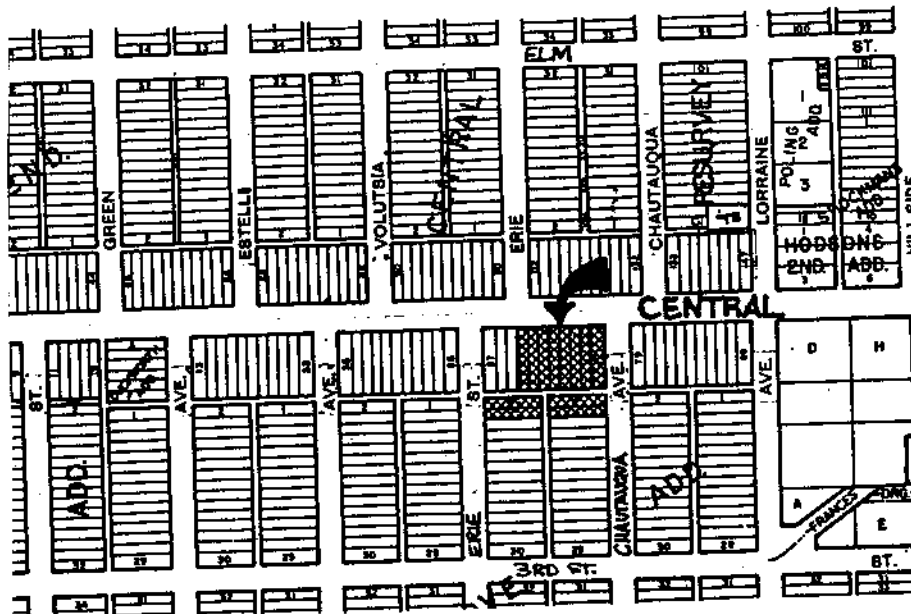
REQUEST: Variance to reduce the number of required parking spaces from 80 to 61.

CURRENT ZONING: "LC" Light Commercial and "BB" Office Districts

SITE SIZE: 1+ acre

LOCATION: On the south side of Central between Erie and Chautauqua.

PROPOSED USE: Parking for Galleria Fair, a consignment retail establishment with restaurant.



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 the State Statutes, are found to exist.

BACKGROUND: The applicant is requesting a parking reduction from 80 to 61 spaces for The Galleria Fair, a consignment retail establishment with a restaurant located at the former Larcher grocery store site at 2929 E. Central. Included in the application area are two storage buildings and an antique store south of the alley on Chautauqua, as well as a 21-space parking lot south of the alley on Erie. The former grocery store building was expanded last year to provide more retail space and a small restaurant area. The required number of parking spaces was available for this expansion (57). Due to the success of the restaurant, it was later expanded into some of the retail area. Application for a liquor license caused an inspection of the site to be conducted and it was discovered that there was insufficient parking for the expanded restaurant use. Restaurant parking is required at one space per 75 square feet of restaurant floor area, whereas retail parking is only one space per 250 square feet. It was also realized at about that time that the building at 435 N. Chautauqua, which was formerly office space for Larcher's, was in the same ownership as The Galleria Fair and was being leased for antique sales. One of the two storage buildings to the west, on the Chautauqua property, is used by Galleria Fair while the other one is leased to Design Studio. It was determined that the parking requirement under the current code for all uses on this application area totalled 80 spaces (15,737 sq. ft. retail and storage area divided by 250 = 63 spaces PLUS 1,274 sq. ft. restaurant area divided by 75 = 17 spaces). Only 61 spaces can be provided. Fifty-nine spaces exist now, but with removal of one tree and restriping of a portion of the Erie parking lot, two additional spaces would be available.

A copy of the applicant's justifications of uniqueness, effect on adjacent property owners, etc. is attached. Two major factors contribute to the uniqueness of this business: (1) a portion of the retail space is devoted to bulky furniture-type items such as pianos, armoirs, etc.; and (2) the 1,274-square-foot restaurant area has only 54 seats which averages one seat per 23½ square feet rather than the one seat per 15 square feet, which is the figure used to calculate restaurant parking requirements.

The applicant documented the parking needs during The Galleria Fair's peak business hours by photographically inventorying the parking lots at half-hour intervals between 11:30 a.m. and 1:30 p.m. for one week in October. The photos show that there were always some empty parking spaces.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"
SOUTH	"A"
EAST	"LC" & "A"
WEST	"LC" & "A"

Retail sales
Parking lot and one-family dwellings
Dental office and one-family dwellings
Medical clinic and one-family dwellings