

should not impact the internal circulation of the shopping center or the commercial uses to the south.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the ATM could not be constructed at the best location which would advertise for the bank and would not interfere with internal circulation of the shopping center.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way nor will the internal traffic circulation of the site be impacted.

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 regulations, inasmuch as a reduced setback will continue to provide for fire protection, separation, light and air circulation as well as providing pedestrian access for maintenance.

RECOMMENDATION: If the Board should determine that the ATM location as designed meets all five conditions necessary to the granting of the variance, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front yard setback shall be reduced from 20 feet to 10 feet on the west side of the property for the placement of an ATM. The ATM shall be constructed in conformance with the site plan approved by the Board of Zoning Appeals.
2. The applicant shall obtain all local permits necessary to construct the ATM and all improvements shall be completed within one year following BZA approval of the variance or resolution unless such time period is extended by the BZA.
3. The applicant shall submit a landscape plan which buffers the ATM from the traffic along Webb Road. The plan should show at least two trees along Webb Road and a row of shrubs which will buffer the site from Webb Road.
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.

SECRETARY'S REPORT

CASE NUMBER: BZA 20-98

OWNER/APPLICANT: Homer Morgan (Owner) and NationsBank (Applicant)

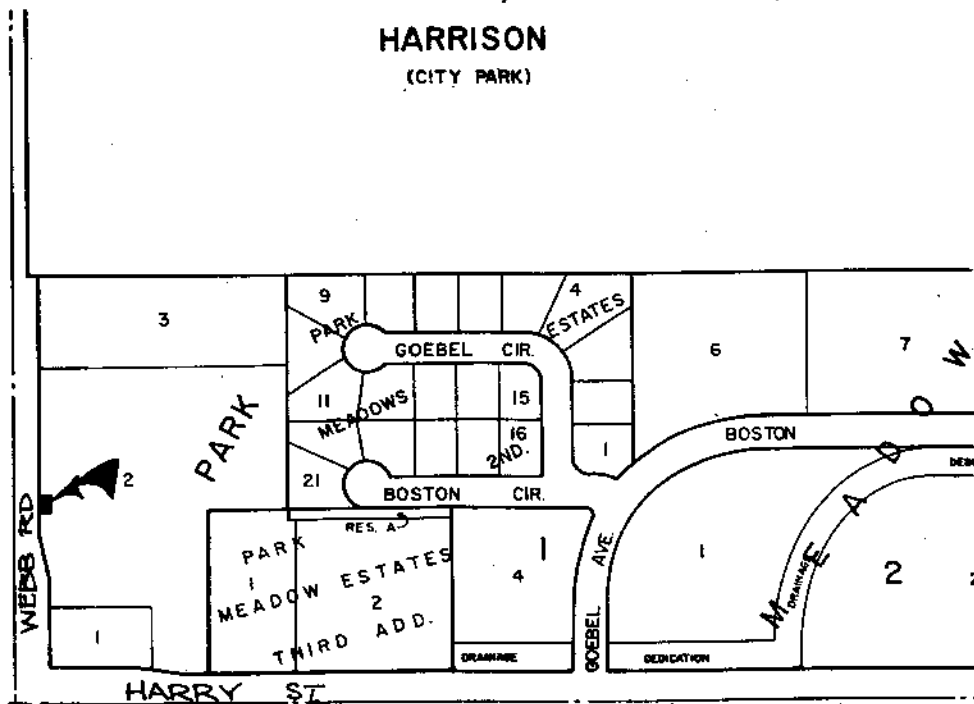
AGENT: Spangenberg Phillips Inc.

REQUEST: Variance to reduce the front yard setback from 20 feet to 10 feet.

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 11 feet by 22 feet

LOCATION: North of Harry and east of Webb



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 applicant is requesting a variance to reduce the front yard setback from 20 feet to 10 feet on property zoned "LC" and located north of Harry and east of Webb Road. This request is for a 11 foot by 22 foot area which would allow the placement of an ATM in the parking lot of a shopping center.

The site plan shows the ATM structure on an island that will be approximately 65 feet north of the southern entrance to this shopping center. Traffic to the ATM will enter from the north and exit to the south, near the southern entrance of the center. There will be enough queuing space for three vehicles.

The ATM site will remove approximately 10 to 12 parking spaces from the shopping center complex (4,765 square feet). The original plans for the shopping center required 50 parking spaces, but the site plan showed 119 parking spaces available. Therefore, the site will still meet the parking requirement for the Unified Zoning Code. Traffic Engineering has approved the site plan for the ATM.

The applicant will be required to submit a landscape plan which details the proposed landscaping along Webb Road. The plan should show at least two trees and a row of shrubs along the entire length of the proposed ATM and queuing area.

This site is surrounded by condominiums to the north and Dillons to the west across Webb Road. The shopping center is just east of this site and a Dairy Queen is south of this site.

A vacation request to vacate a portion of the building setback will be heard by the Subdivision Committee on September 3, 1998.

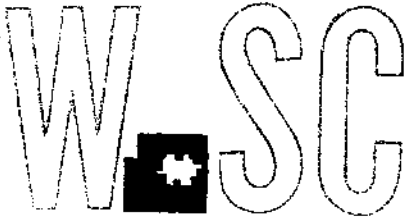
ADJACENT ZONING AND LAND USE:

NORTH	"GO"	Coventry Condominiums
SOUTH	"LC"	Dairy Queen
EAST	"LC"	Shopping Center
WEST	"LC"	Dillons

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as stand alone ATM's are relatively new banking services. There is no other site on this property which would allow the ATM to be seen by the travelers along Webb Road and also not interfere with the internal circulation of the shopping center.

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 site is surrounded by commercial properties to the south, east and west. The only residential property in the area is screened by a wooden fence. Also the ATM

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

FILE COPY

September 22, 1998

Nationsbank
14 W 10th Street
Kansas City, MO 64105

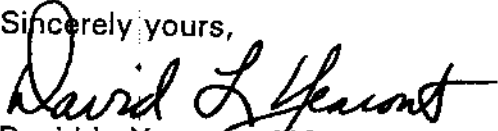
RE: BZA 20-98 - Variance to reduce the front yard setback from 20' to 10' on property zoned "LC" Limited Commercial and generally located east of Webb Road, north of Harry Avenue

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on September 22, 1998. 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,


David L. Yearout, AICP, Secretary
Board of Zoning Appeals

DLY/le

cc: Spangenberg Phillips Inc., % Randy Philips, 225 E. Douglas, #500, Wichita, KS 67202
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)

ADOPTED AT WICHITA, KANSAS, this ^{22nd}~~9th~~ day of September, 1998.

C. Bickley Foster
C. Bickley Foster, President

ATTEST:

David L. Yearout
David L. Yearout, AICP, Secretary

BZA RESOLUTION NO. 20-98

WHEREAS, Homer Morgan, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20 feet to 10 feet on property zoned "LC" Limited Commercial and legally described as follows:

Lot 2, Block 1, Park Meadows Addition, Wichita, Sedgwick County, Kansas. Generally located east of Webb Road and north of Harry Avenue.

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 September 22, 1998, 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 stand alone ATM's are relatively new banking services. There is no other site on this property which would allow the ATM to be seen by the travelers along Webb Road and also not interfere with the internal circulation of the shopping center.

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 site is surrounded by commercial properties to the south, east and west. The only residential property in the area is screened by a wooden fence. Also the ATM should not impact the internal circulation of the shopping center or the commercial uses to the south.

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 the ATM could not be constructed at the best location which would advertise for the bank and would not interfere with internal circulation of the shopping center.

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 there will be no encroachments into public utility easements or street right-of-way nor will the internal traffic circulation of the site be impacted.

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 a reduced setback will continue to provide for fire protection, separation, light and air circulation as well as providing pedestrian access for maintenance.

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 front yard setback from 20 feet to 10 feet on property zoned the "LC" Limited Commercial and legally described as follows:

Lot 2, Block 1, Park Meadows Addition, Wichita, Sedgwick County, Kansas. Generally located east of Webb Road and north of Harry Avenue.

subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front yard setback shall be reduced from 20 feet to 10 feet on the west side of the property for the placement of an ATM. The ATM shall be constructed in conformance with the site plan approved by the Board of Zoning Appeals.
2. The applicant shall obtain all local permits necessary to construct the ATM and all improvements shall be completed within one year following BZA approval of the variance or resolution unless such time period is extended by the BZA.
3. The applicant shall submit a landscape plan which buffers the ATM from the traffic along Webb Road. The plan should show at least two trees along Webb Road and a row of shrubs which will buffer the site from Webb Road.
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.

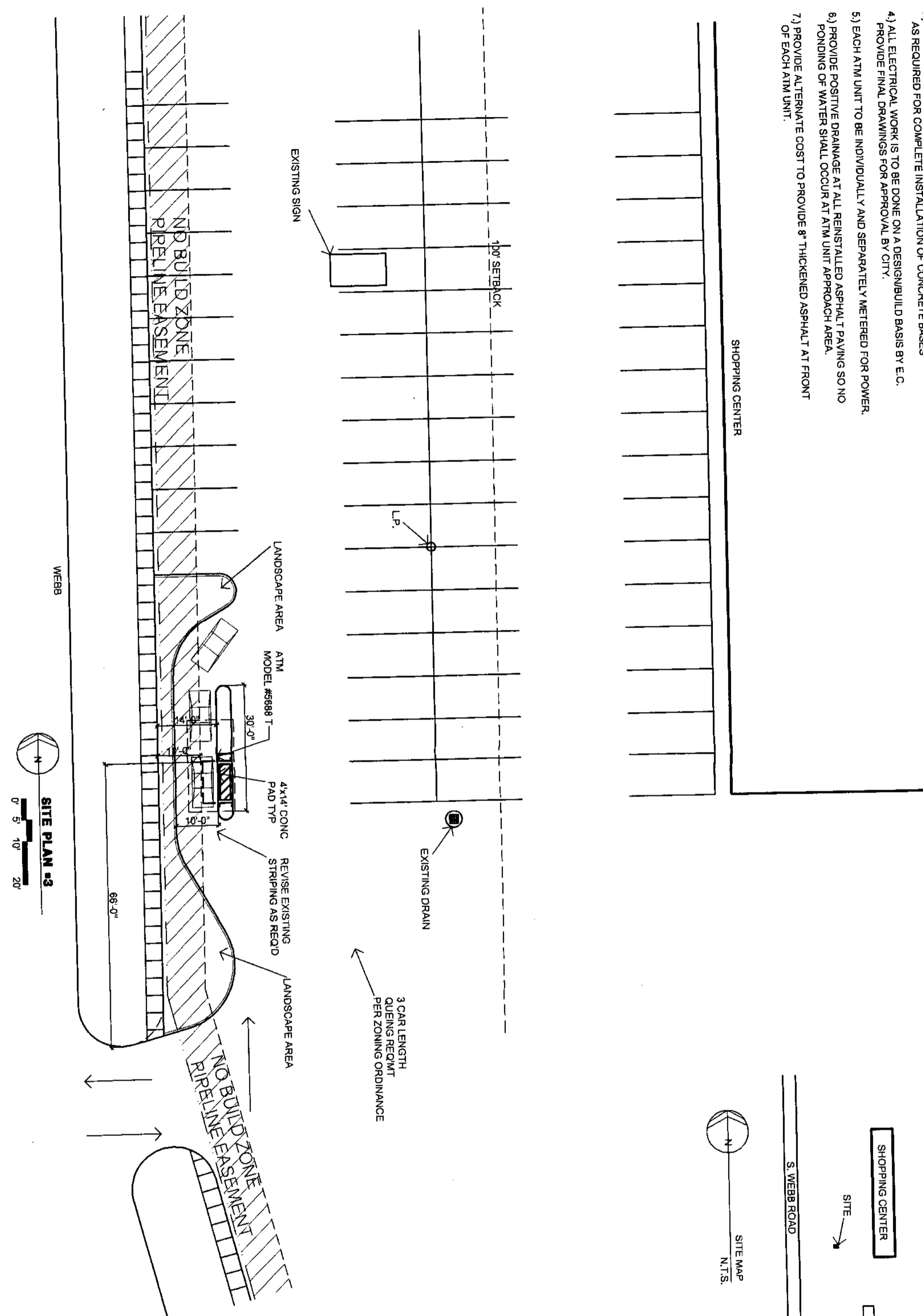
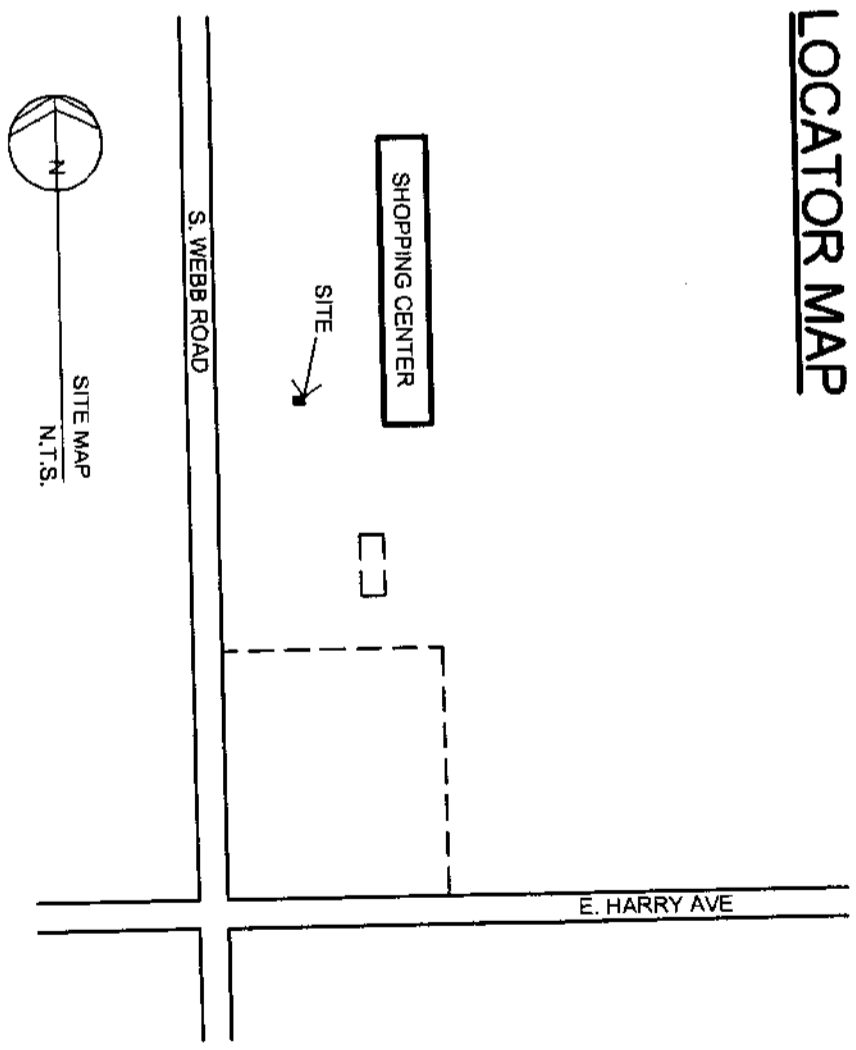
GENERAL NOTES

- 1) ALL WORK SHALL COMPLY WITH ALL LOCAL APPLICABLE BUILDING CODES.
- 2) GENERAL CONTRACTOR TO VERIFY LOCATION OF ALL PERTINENT PROPERTY LINES, DIMENSIONS, EASEMENTS, SETBACKS AND UTILITY LINES - NOTIFY ARCHITECT OF ALL DISCREPANCIES
- 3) G.C. TO CUT AND PATCH ALL CONCRETE CURBS, ASPHALT PAVING AND DRIVES AS REQUIRED FOR COMPLETE INSTALLATION OF CONCRETE BASES
- 4) ALL ELECTRICAL WORK IS TO BE DONE ON A DESIGN/BUILD BASIS BY E.C. PROVIDE FINAL DRAWINGS FOR APPROVAL BY CITY.
- 5) EACH ATM UNIT TO BE INDIVIDUALLY AND SEPARATELY METERED FOR POWER.
- 6) PROVIDE POSITIVE DRAINAGE AT ALL REINSTALLED ASPHALT PAVING SO NO PONDING OF WATER SHALL OCCUR AT ATM UNIT APPROACH AREA.
- 7) PROVIDE ALTERNATE COST TO PROVIDE 8" THICKENED ASPHALT AT FRONT OF EACH ATM UNIT.

LEGAL DESCRIPTION

PARK MEADOWS ESTATES
LOT 2 BLOCK 1

LOCATOR MAP



SITE PLAN #3
0' 5' 10' 20'

**NATIONSBANK ATM
HARRY/WEBB SITE #3**

NE INTERSECTION

**SPANGENBERG • PHILLIPS
ARCHITECTURE**

224 E. Douglas, Fifth Floor Wichita, KS 67202 T 316.267.4002 F 316.267.1609

9.4.98
DATE
ISSUE
SITE PLAN

