

IDA

ALLEY

SLIPPER DOCK

PROPOSED
EXPANSION

BRUSH

WAREHOUSE
STORAGE
8400 SQ. FT.

CLAURA

EXHIBIT "B"
SHOW

SUPERIOR SUPPLY CO. INC.

ALBERTSON ASSOCIATES INC.

WAREHOUSE - 8400 SQ. FT.

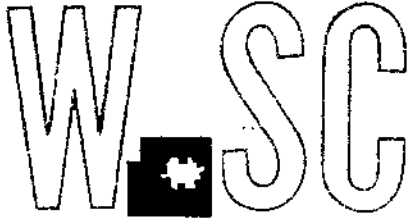
OFFICE - 1500 SQ. FT.

④ PARKING ⑤

FENCED
STORAGE

ALLEY

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

December 8, 1998

Superior Supply Co
215 Laura
P.O. Box 11447
Wichita KS 67202

RE: BZA 19-98 - Variance to allow more than 50% of parking off-site; & Variance to reduce the required parking from 64 spaces to 48 spaces on property located at the southwest corner and northeast corner of Laura and English.

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on October 27, 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

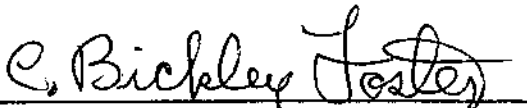
DLY/le

cc: Jim Albertson, 9225 Peppertree, Wichita, KS 67226
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)

Superior Supply Company or its successor. If the parking lot is ever sold or the use is changed then the applicant shall have 90 days from such termination to submit an alternative parking plan to the Board of Zoning Appeals for approval.

3. The maximum number of employees permitted at this site shall not exceed 40.
4. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
5. 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 foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, AICP, Secretary

BZA RESOLUTION NO. 19-98

WHEREAS, Superior Supply Company, by and through Jack Simpson, President, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to (1) allow more than 50 percent of the required parking off-site, and (2) reduce the required parking spaces from 64 to 48, on property zoned "LI" Limited Industrial and legally described as follows:

Lots 46, 48, 50 on Ida Avenue and Lots 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, & 53 on Laura Avenue; Lots 26, 28, 30 and 32 on Laura Hyde's Addition. Generally located southwest corner and northeast corner of Laura and English.

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 October 27, 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 the property is in an established area with very limited ability to expand to adjoining properties. If the applicant was able to provide the required 50 percent of the parking on-site, the applicant would not need to obtain a variance. Instead, the applicant could reduce the required parking 25 percent from 64 spaces to 48 spaces through an administrative adjustment.

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 applicant should be able to provide enough off-street parking through the two parking lots. Additional parking is available on-street, which should allow any overflow parking to park without affecting nearby 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 without this variance the applicant would be unable to construct as large

of addition as needed to reduce the existing overcrowding at this facility. The applicant could possibly be required to move out of the downtown area if the variance was not approved.

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 this area is an older neighborhood developed with many commercial properties and offices. This applicant is trying to meet the parking requirements of the Zoning Code but is unable to do so due to site constraints and expansion needed to remain commercially competitive. The Comprehensive Plan as well as the City acknowledges the need to retain and bring new employment to the downtown 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 this development is in an area which was developed before the zoning regulations came into effect and the applicant is unable to meet the additional parking requirements. However, the applicant will provide 48 parking spaces, which does meet the number of required parking spaces per the Unified Zoning Code, if the applicant obtained an administrative adjustment.

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 (1) allow more than 50 percent of the required parking off-site, and (2) reduce the required parking spaces from 64 to 48, on property zoned "LI" Limited Industrial and legally described as follows:

Lots 46, 48, 50 on Ida Avenue and Lots 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, & 53 on Laura Avenue; Lots 26, 28, 30 and 32 on Laura Hyde's Addition. Generally located southwest corner and northeast corner of Laura and English.

subject to the following conditions:

1. The parking reduction from 64 spaces to 48 spaces applies to office (9,410 square feet), warehouse (35,646 square feet), and wholesale business services (6,640 square feet) uses at this location.
2. The variance remains in effect only as long as the parking lot at the northeast corner remains under the same ownership and is available to be used by

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any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. _____
October 27, 1998

SECRETARY'S REPORT

CASE NUMBER: BZA 19-98

OWNER/APPLICANT: Superior Supply Co. c/o John Simpson

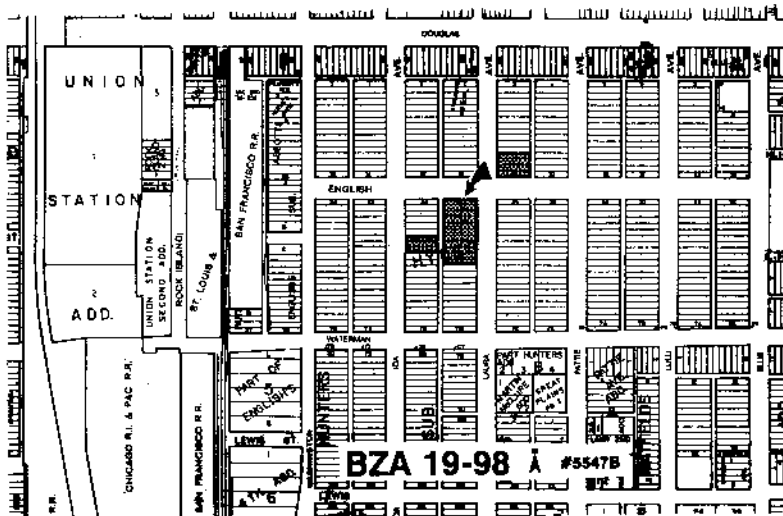
AGENT: Jim Albertson

REQUEST: Variances 1) to allow more than 50 percent of the required parking off-site and 2) to reduce the required parking spaces from 64 to 48.

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 1.45 acres

LOCATION: On the northeast corner and southwest corner of Laura and Ida



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 two variances: 1) to allow for more than 50 percent of the required parking to be off-site and 2) to reduce the required parking from 64 to 48 parking spaces. The 1.45 acre tract is located on the northeast and southwest corners of Laura and English.

The applicant has submitted a site plan which shows two multi use buildings, one of which is on Ida and the other on Laura. The existing buildings consist of a 17,946 square foot warehouse, 5,610 square foot office, and a 6,640 square foot wholesale and business service. The applicant intends to construct a new 17,700 square foot warehouse just north of the existing building as well as a 3,800 square foot office addition. After the expansion, there will be a 35,646 square foot warehouse, 9,410 square foot office, and a 6,640 square foot wholesale and business service addition. The parking code requires 1 parking space for the first 1,000 square feet of warehouse up to 20,000 square feet and then 1 per 5,000 square feet over 20,000 square feet, 1 space per 250 square feet of office, and 1 space per 2,500 square feet of warehouse storage. The Unified Zoning Code would require 64 parking spaces, 32 of which are required to be located on same zoning lot as the primary use. The site plan shows a total of 48 parking spaces, 26 off-site parking spaces at the northeast corner of Laura and English and 22 on-site parking spaces just south of the existing building. Therefore, the applicant requests a variance for the total number of spaces required to be reduced from 64 to 48 spaces and a variance to allow only 22 (46 percent) of the parking spaces be provided on-site.

An administrative adjustment could be obtained by the applicant to reduce the parking requirement for a manufacturing, warehousing, wholesale or business services, large item community retail, and for remodeling projects by up to 25 percent (64 to 48 parking spaces). However, the Unified Zoning Code requires off-street parking spaces shall be located on the same zoning lot as the use the spaces are intended to serve, provided that the Zoning Administrator may permit up to 50 percent of the required parking spaces to be located on a remote and separate lot from the lot on which the principal use is located. The applicant is only able to provide 46 percent of the required parking spaces on the same zoning lot as the principal use. Therefore, a variance is required.

The applicant has submitted a letter, stating the number of existing employees at this site, visitors and the number of parking spaces typically open at this location and on-street parking spaces available. This letter states there are 37 full-time employees at this location and ten of these are outside sales people. Half of these people are in the office and half are calling on customers. Typically, two of the full-time employees will be away from the office either sick or on vacation, each day. Therefore, the staff will use 30 parking spots on any given day, which would leave 18 parking spaces for customers and visitors.

The letter also states that with this new construction only three employees will be added, with one of these persons on the road most of the time. This would leave approximately 16 spaces open for customers and visitors after the expansion. The letter estimates that there are between 12 to 17 customers per day on a typical 8:00 A.M. to 5:00 P.M. workday. Most of the remaining parking stalls provided on-site would therefore be utilized. However, the letter states there are nine parking spaces on the west side of Laura Street and six on the east side. Another 11 parking spaces are provided on English (six on the south side and five on the north side). These spaces were full the day staff visited the site.

The applicant has stated that this new construction is mostly designed to alleviate existing over-crowded conditions at the facility and will not increase employment at this site. (See attached letter)

The site is surrounded by supply companies, parking lots and industrial uses on all four sides. Three duplexes are located at the southeast corner of Laura and English.

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	Supply companies, parking lots and industrial uses
SOUTH	"LI"	Supply companies, parking lots and industrial uses
EAST	"LI"	Supply companies, parking lots and industrial uses
WEST	"LI"	Supply companies, parking lots and industrial uses

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is in an established area with very limited ability to expand to adjoining properties. If the applicant was able to provide the required 50 percent of the parking on-site, the applicant would not need to obtain a variance. Instead, the applicant could reduce the required parking 25 percent from 64 spaces to 48 spaces through an administrative adjustment.

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 applicant should be able to provide enough off-street parking through the two parking lots. Additional parking is available on-street, which should allow any overflow parking to park without affecting nearby properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as without this variance the applicant would be unable to construct as large of addition as needed to reduce the existing overcrowding at this facility. The applicant could possibly be required to move out of the downtown area if the variance was not approved.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as this area is an older neighborhood developed with many commercial properties and offices. This applicant is trying to meet the parking requirements of the Zoning Code but is unable to do so due to site constraints and expansion needed to remain commercially competitive. The Comprehensive Plan as well as the City acknowledges the need to retain and bring new employment to the downtown 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 regulations, inasmuch as this development is in an area which was developed before the zoning regulations came into effect and the applicant is unable to meet the additional parking requirements. However, the applicant will provide 48 parking spaces, which does meet the number of required parking spaces per the Unified Zoning Code, if the applicant obtained an administrative adjustment.

The applicant is unable to provide 50 percent of the parking on-site and is required to obtain a variance. This is only four percent less than what is required by the UZC and does not seem to be against the spirit and intent of the zoning regulations.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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 64 spaces to 48 spaces applies to office (9,410 square feet), warehouse (35,646 square feet), and wholesale business services (6,640 square feet) uses at this location.
2. The variance remains in effect only as long as the parking lot at the northeast corner remains under the same ownership and is available to be used by Superior Supply Company or their successor, if the parking lot is ever sold or the use is changed then the applicant shall have 90 days from such termination to submit an alternative parking plan to the Board of Zoning Appeals for approval.
3. The maximum number of employees permitted at this site shall not exceed 35.
4. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with