



Wichita-Sedgwick County Metropolitan Area Planning Department

Board of Park Commissioners
Attn: Larry Hoetmer
455 N Main, 11th Floor
Wichita, KS 67202

12 July 2019

RE: BZA2019-00026 – City Variance to reduce the front setback from 25 feet to zero feet to allow new construction and uses on property generally located on the east side of South McLean Boulevard and approximately one-quarter mile north of West 31st Street South.

Dear Applicant,

At its regular meeting on July 11, 2019, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

Part of the resolution indicates one condition that must be met in order for the variance to take effect.

- 1. The applicant must obtain and Use of Right-of-Way permit from Wichita Public Works and submit documentation of the permit to the Planning Department.**

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Associate Planner

Copies to: MABCD

BZA RESOLUTION NO. BZA2019-00026

WHEREAS, The Board of Park Commissioners (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the front building setback from 25 feet to zero feet, and legally described as follows:

Legal Description: West 360.29' of the North 1209' of Gov't Lot 4, 5-28-1E, Wichita, Sedgwick County, KS.

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 July 11, 2019, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the conditions of the request are unique to the subject property. In this case, McLean Blvd. has 80 feet of right-of-way, and an abandoned rail corridor is adjacent on the west. Because of the open nature of the area and the angled alignment of the building we feel that this will not impact the surrounding neighborhoods or the apartment parking lot immediately across the street. The access and parking to the rear of the building is designed to miss existing mature trees.

WHEREAS, the new construction will change little to nothing regarding impacts to the surrounding properties and the use and enjoyment of those properties. The applicant states that the siting of the event center and service parking as proposed will not adversely affect the few homeowners across McLean adjacent to the site, who face away from McLean, past the abandoned rail corridor. Nor will it adversely impact Kingston Cove apartments, who face north towards 27th St. S. The event center will be set at an angle to face into the center of O.J. Watson Park, so only the side/rear corner of the building and service access/parking will be adjacent to McLean.

WHEREAS, The applicant states that the strict application of the setback provision would force the building to be located approximately 40 feet closer to the existing gazebo, greatly minimizing the effect of the natural open meadow between the building and the gazebo. In addition, the steep terrain and existing mature trees greatly limit the possible locations for convenient parking for food service deliveries at rear of building if parking is not allowed to occur within the setback.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare. It will, in fact, positively activate a less-used portion of O.J. Watson Park, reducing the likelihood of less-desirable activities.

WHEREAS, It is the opinion of Board of Zoning Appeals that granting this variance will not be opposed to the general spirit and intent of the applicable Code. The layout has been designed so that

only a small corner (460 sf) of the 4,500 sf Event Center will be within the setback area, and the building sits at an angle so it is not up against the property or setback lines. The front of the Event Center will be situated to face into the park and an open green, maintaining the views and vistas even for motorists along McLean. Site lines from McLean will be minimally impacted as the improvements will sit lower into the park, due to the existing topography.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to reduce the front building setback from 25 feet to zero feet, and legally described as follows:

Legal Description: West 360.29' of the North 1209' of Gov't Lot 4 5-28-1E, Wichita, Sedgwick County, KS.

The variances are hereby GRANTED, subject to the following conditions:

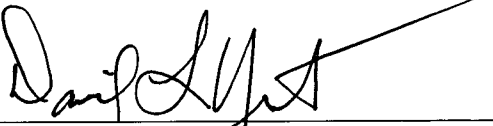
1. The front setback reduction shall only apply to event center structure, applicable parking, and drives as illustrated on the site plan.
2. A Use of Street permit shall be obtain from Public Works for that portion of the parking that encroaches into the McLean Blvd right-of-way. Verification of this permit shall be submitted to Planning before the resolution can be finalized.
3. A revised site plan shall be submitted to Planning to be reviewed and approved by the Planning Director.

ADOPTED AT WICHITA, KANSAS, this 11th Day of July 2019.



Cindy Miles, BZA Board Chair

ATTEST:



David L. Yearout,
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2019-00026

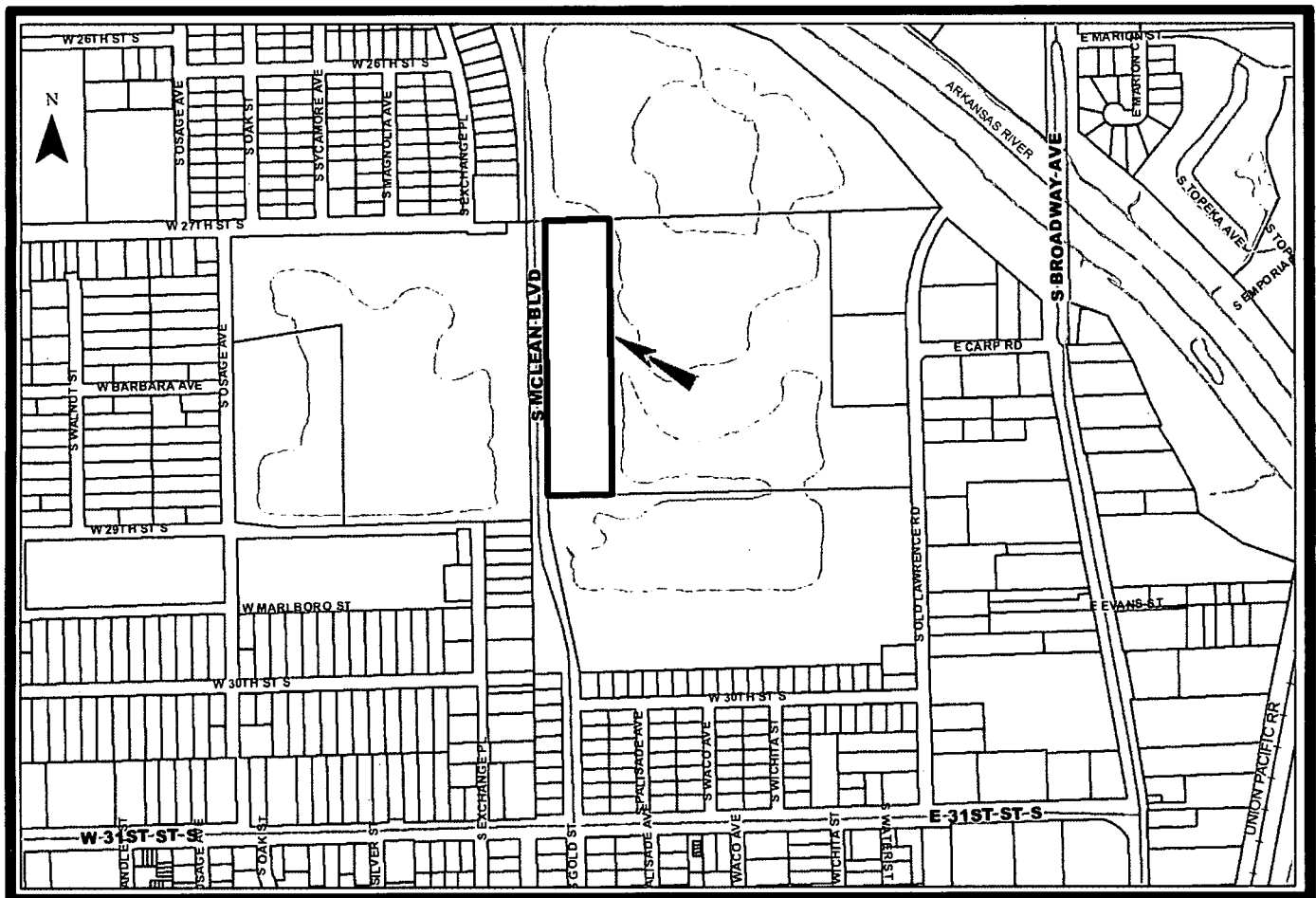
APPLICANT: Board of Park Commissioners

REQUEST: Variance to reduce the front setback from 25 feet to zero feet to allow for a new multi-purpose event center, associated service/loading area and parking.

CURRENT ZONING: SF-5 Single Family Residential District

SITE SIZE: 7.75 acres

LOCATION: Generally located on the east side of South McLean Boulevard and approximately one-quarter mile north of West 31st Street South. (3022 S. McLean Blvd).



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759. The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: This application requests the reduction of the front setback from 25 feet to zero feet to allow for the construction of a multi-purpose event center, associated service/loading area, and parking on a 7.75 acre parcel on the west side of O.J. Watson Park. The reduction in setback will allow the building to set closer to the property line as well as accommodate parking for food service deliveries. The site currently contains steep grades and mature trees which limit the siting of the building as well as convenient parking for food service deliveries to the rear of the building. As illustrated on the site plan, only a small portion of the building encroaches into the setback. The furthest extent to which the building will encroach into the setback is with the rear/side corner, which will be 6-feet, 2 inches from the property line. The remainder of the setback will be occupied by the parking for food service deliveries. The site plans shows that a portion of the parking encroaches into the McLean Blvd right-of-way. A Use of Street permit will need to be obtained from Public Works in order for this portion of the parking to be constructed.

The event center will be designed to accommodate uses such as weddings, company picnics and retreats, family reunions, and the like. Events will be possible year round. The design and siting of the center was done so to minimize its impact on surrounding land uses. As the attached site plan illustrates, the building will be set at an angle to face into the center of O.J. Watson Park, so that the side and rear corner of the building will be adjacent to McLean Blvd.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	City Park
SOUTH	SF-5	City Park
EAST	SF-5	City Park
WEST	SF-5	CUP DP-20—Apartments and private pond

UNIQUENESS: The applicant states that the site is unique in that public property extends from Watson into downtown along the east side of McLean and the river. McLean has 80 feet of right-of-way, and an abandoned rail corridor is adjacent on the west. Because of the open nature of the area and the angled alignment of the building we feel that this will not impact the surrounding neighborhoods or the apartment parking lot immediately across the street. The access and parking to the rear of the building is designed to miss existing mature trees.

ADJACENT PROPERTY: The applicant states that the siting of the event center and service parking as proposed will not adversely affect the few homeowners across McLean adjacent to the site, who face away from McLean, past the abandoned rail corridor. Nor will it adversely impact Kingston Cove apartments, who face north towards 27th St. S. The event center will be set at an angle to face into the center of O.J. Watson Park, so only the side/rear corner of the building and service access/parking will be adjacent to McLean.

HARDSHIP: The applicant states that the strict application of the setback provision would force the building to be located approximately 40 feet closer to the existing gazebo, greatly minimizing the effect

of the natural open meadow between the building and the gazebo. In addition, the steep terrain and existing mature trees greatly limit the possible locations for convenient parking for food service deliveries at rear of building if parking is not allowed to occur within the setback.

PUBLIC INTEREST: The applicant states that the siting of the event center and service access/parking as proposed will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. It will, in fact, positively activate a less-used portion of O.J. Watson Park, reducing the likelihood of less-desirable activities.

SPIRIT AND INTENT: The applicant states that granting this variance will not be opposed to the general spirit and intent of the applicable Code. The layout has been designed so that only a small corner (460 sf) of the 4,500 sf Event Center will be within the setback area, and the building sits at an angle so it is not up against the property or setback lines. The front of the Event Center will be situated to face into the park and an open green, maintaining the views and vistas even for motorists along McLean. Site lines from McLean will be minimally impacted as the improvements will sit lower into the park, due to the existing topography.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, the recommendation of Staff that the variance to reduce the front setback from 25 feet to 6 feet, 2 inches be **GRANTED**, subject to the following conditions:

1. The front setback reduction shall only apply to event center structure, applicable parking, and drives as illustrated on the site plan.
2. A Use of Street permit shall be obtain from Public Works for that portion of the parking that encroaches into the McLean Blvd right-of-way. Verification of this permit shall be submitted to Planning before the resolution can be finalized.
3. A revised site plan shall be submitted to Planning to be reviewed and approved by the Planning Director.

Attachments:

1. Areal Map
2. Site Plan

