

Case No. BZA 12-84 - Rent-A-Center, Inc.
Requests a variance to reduce the re-
quired number of off-street parking
spaces from 161 spaces to 126 spaces on
property zoned the "BB" Office District
& generally located on the northwest
corner of Goebel & Harry Streets

6146C

Posted 5-9-84
Not 6-22-84
Rec'd ✓

Posted
2-29-84
A.E.L.

ACTION

B.Z.A. 12-84 APPROVED 3-27-84
DATE

6146 C

Posted 5-9-84
Shot 6-22
Record

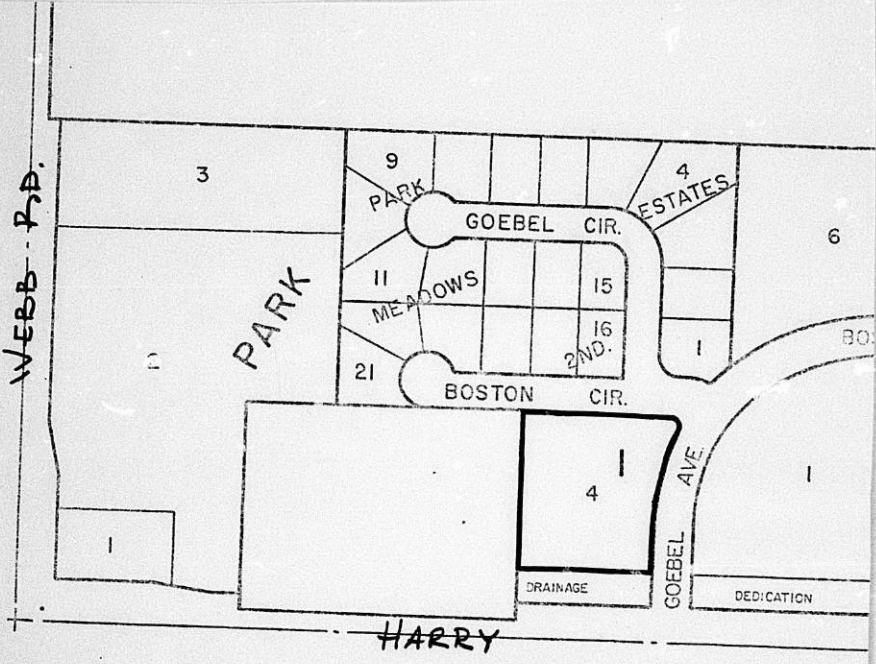
Case No. BZA 12-84 - Rent-A-Renter, Inc.
Requests a variance to reduce the re-
quired number of off-street parking
spaces from 161 spaces to 126 spaces or
properly zoned the "B8" Office District
& generally located on the northwest
corner of Goebel & Harry Streets
(address: 1111 Goebel St.)

Map No. 6146 0

BZA 12-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ " ARE " ft. by _____ ft.)
2. Adjoining Zoning: E R-5 S ARE W "R-1" N A
3. Land Use: East Res. South Res. 1-F & 2-F.
West Day Care Ctr. North Res. 2-F
4. Area (is) (~~to not~~) platted.



Smyth
No. 2-153C
HASTINGS, MN.
LOS ANGELES, CHICAGO, LOGAN, OH.
MCKENNON, TX., LOCUST GROVE, VA.
U.S.A.

April 2, 1984

Rent-A-Center, Inc.
9920 East Harry
Wichita, Kansas

Re: BZA 12-84 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 27, 1984.

This Resolution reflects the official action of the Board to approve 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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Everett Fettis, 120 South Market, Suite 504, Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Cisick, City Clerk

RESOLUTION NO. BZA 12-84

WHEREAS, Rent-A-Center, Inc., 9920 East Harry, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 161 spaces to 126 spaces on property zoned the "BB" Office District and legally described as follows:

Lot 4, Block 1, Park Meadows Estates Addition
to Wichita, Sedgwick County, Kansas. Generally
located on the northwest corner of Goebel & Harry.

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 March 27, 1984, 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 the property is being developed for offices that include physical fitness facilities for employees that does not contribute to the office space of the facility. Also, the amount of space used by computer and supply storage in the basement will reduce the demand for parking from the normal individual office facility; 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 adequate off-street parking will be provided for the anticipated number of employees and customers to prevent a lot of on-street parking or congestion; 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 applicant would be unable to construct the entire facility without obtaining additional land for off-street parking; 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 will be provided to eliminate on-street parking of customers and employees on a daily basis; 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 reduction in the number of parking spaces required by the ordinance is basically being reduced by the amount of building space used as non-person generating; 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.

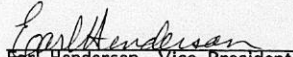
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 161 spaces to 126 spaces on property zoned the "BB" Office District and legally described as follows:

Lot 4, Block 1, Park Meadows Estates Addition
to Wichita, Sedgwick County, Kansas. Generally
located on the northwest corner of Goebel & Harry.

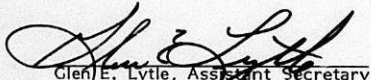
be approved subject to the following conditions:

1. The applicant shall provide not less than 126 off-street parking spaces on the property in compliance with the site plan submitted with the application showing a maximum floor area of 40,200 square feet, of which 7500 square feet is in a basement to be used only for a health fitness area and storage permitted in the "BB" Office District and not be used for office space.
2. The applicant shall at all times advise the employees to use the off-street parking provided on the property, and should at some future date the number of parking spaces being provided deem to be inadequate to accommodate the number of employees, then the applicant shall take steps to provide additional parking in conformance with the regulations.
3. Should the occupancy of the building be changed to any other use other than Rent-A-Center, the variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of March, 1984.


Earl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN RIGHTS & SERVICES

DATE March 26, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Clemencia Prieto, Administrative Aide III

SUBJECT BZA-12-84 NORTHWEST CORNER OF
GOEBEL & HARRY STREETS

On Monday, March 19, CPD Area "H" considered an application for a variance to reduce the required number of off-street parking spaces from 161 spaces to 126 spaces on property zoned "BB" at the captioned location. Everett Fettis and Steve Cranford were present representing the applicant. They explained the plans and the need for the variance request.

The president of the Park Meadows Homeowners Association was present to vigorously oppose the variance. He cited already existing parking and traffic problems that may increase as a result of the proposed plans for development.

A motion to recommend approval of the requested variance failed by a vote of 2-4.

Please provide the Council's recommendation to the Board of Zoning Appeals when they consider the case.

Clemencia L. Prieto
Clemencia L. Prieto
Administrative Aide III

CLP/1w

SECRETARY'S REPORT
CASE NO. BZA 12-84

APPLICANT: Rent-A-Center, Inc., 9920 East Harry, Wichita, Kansas.

AGENT: Everett Fettis, 120 South Market, Suite 504, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 161 to 126 spaces.

GENERAL LOCATION: On the northwest corner of Goebel and Harry (9920 East Harry).

ZONING: Subject property is zoned the "BB" Office District. Property to the north is "A" Two-family, to the east is "R-5" Residential. To the west and south is "R-1" Suburban Residential.

LAND USE: Subject property is occupied by offices that are being expanded. Property to the west is a child day care facility. To the north, east and south is residential development.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required number of off-street parking spaces in order to expand the existing corporate offices for Rent-A-Center, Inc. at 9920 East Harry. The applicant indicates that the total office complex will consist of 40,200 square feet of floor area which requires by ordinance 161 off-street parking spaces.

The applicant submits as justification for the variance that nearly 7500 square feet of the facility is basement area that will include a racquetball court, gymnasium equipped with exercise equipment, a sauna and shower facilities. Also the basement is used for computer and the necessary storage of office supplies, etc.

The applicant also indicates that the number of employees in the present facility is 91, however, the anticipated number of employees in the expanded facility will not reach the density of this number of employees in the new facility.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the property is being developed for offices that include physical fitness facilities for employees that does not contribute to the office space of the facility. Also, the amount of space used by computer and supply storage in the basement will reduce the demand for parking from the normal individual office facility.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as adequate off-street parking will be provided for the anticipated number of employees and customers to prevent a lot of on-street parking or congestion.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to construct the entire facility without obtaining additional land for off-street parking.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest as long as adequate parking is being provided to eliminate on-street parking of employees and customers on a daily basis.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the reduction in the number of parking spaces required by the ordinance is basically reduced by the amount of space in the building used as non-person generating.

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 applicant shall provide not less than 126 off-street parking spaces on the property in compliance with the site plan submitted with the application showing a maximum floor area of 40,200 square feet, of which 7500 square feet is in a basement to be used only for a health fitness area and storage permitted in the "BB" Office District.
2. The applicant shall at all times advise the employees to use the off-street parking provided on the property, and should at some future date the number of parking spaces being provided deem to be inadequate to accommodate the number of employees, then the applicant shall take steps to provide additional parking in conformance with the regulations.
3. Should the occupancy of the building be changed to any other use other than Rent-A-Center, the variance shall become null and void.

BZA CASE NO. 12-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
	LEGAL ADVERTISEMENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>24</u>	TOTAL NOTICES SENT <u>3-7-84</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

March 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 12-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Rent-A-Center, Inc., 9920 East Harry, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 161 spaces to 126 spaces on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

Lot 4, Block 1, Park Meadows Estates Addition, to
Wichita, Sedgwick County, Kansas. Generally located
on the northwest corner of Goebel and Harry Streets
(9920 East Harry).

This application has been assigned Case BZA 12-84. It will be considered by the Board of Zoning Appeals on March 27, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 12-84

CITY OF WICHITA, KANSAS

FILED 2-27-84

APPLICATION FOR VARIANCE

I. Name of Applicant RENT-A-CENTER, INC.

Mailing Address 9920 E. Harry Phone 686-7411

Name of Authorized Agent EVERETT C. FETTIS

Mailing Address 120 S. Market, Su 504 Phone 267-7251

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required number of off-street parking spaces from 161 to 126

on the northwest corner of Goebel and Harry
for property located (9920 East Harry) Wichita, Kansas

and legally described as: Lot 4, Block 1, Park Meadows
Estates Addition, Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned BB

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596) and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Rent - A - Center, Inc.

Authorized Agent Everett C. Fettis

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (a.m. - p.m.), FEB 27, 1984 together with appropriate fee of 150⁰⁰

Signed [Signature]

STATEMENT

We presently employ 91 individuals at Rent-A-Center headquarters. Our company is in its tenth year and is the second largest appliance leasing business. At the time of our last expansion which was completed in June 1982, we had 35 stores. We now have 99 stores.

In June 1982, we had 3,000 square feet of storage space in the basement of the existing building which was adequate at that time. However, with our growth, our present office and storage space is no longer adequate to meet the needs of the company. In August 1983, we added a large computer to the operation which will allow us to expand to twice our size with the addition of ten new employees to our accounting department. The computer, however, does require the storage of large quantities of printing materials and data. There is no space for this in our present facility. We have included 4,600 square feet of basement space in the proposed expansion for three reasons:

- a) the computer above mentioned;
- b) centralizing the purchase of small electronic components to service the appliances we lease and sell and store such components in the basement storage area;
- c) provide our employees with a recreational facility that will help us keep our employees healthy, happy and with us for a long time. The facility includes a racket ball court (with a retracting basketball goal from the ceiling); gymnasium equipped with exercise equipment; sauna and shower facilities. We feel our employees deserve this facility, and we are going to a great deal of expense to provide it for them. As a result of doing this, however, the parking requirements cannot be met on the site. The proposed parking reduction will be more than adequate as the employee load of our new building will never approach the density of our existing building. We would deeply regret having to eliminate this facility due to the existing zoning ordinance (which is counting common use areas of our building as additional office space).

That the granting of this request will not adversely affect the rights of adjacent property owners or residents; that the strict application of the provisions of Title 28 presently existing constitute an unnecessary hardship on applicant; that the desired variance requested herein will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare and that granting the requested variance will not be opposed to the general spirit and intent of the the existing zoning ordinance.

BZA 12-84

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lot 4, Block 1, Park Meadow Estates	D Rent-A-Center of America 9920 E. Harry 67207
The East 47.83 feet of lot 12, Park Meadow Estates Second Addition	✓ Howard Short Lois H. Short 1419 Goebel Cir. 67207
Lot 12, except the east 47.83 feet, Park Meadow Estates Second Addition	✓ Jonetta K. Kelly 1417 Goebel Cir. 67207
Lot 13, Park Meadow Estates Second Addition	✓ Ronald V. Erken Teresa E. Erken 3101 E. 9th 67214
Lot 14, Park Meadow Estates Second Addition	✓ A. Daniel Pigott 1437 Goebel Cir. 67207
Lot 15, Park Meadow Estates Second Addition	D Ronald V. Erken Teresa E. Erken 3101 E. 9th 67214
Lot 16, Park Meadow Estates Second Addition	✓ Horst K. Hiller Bonnie K. Hiller 1515 Goebel Cir. 67207
Lot 17, except the west 43.77 feet, Park Meadow Estates Second Addition	✓ Joseph P. Privitera 9834 E. Boston Cir. 67207
The west 43.77 feet of lot 17, Park Meadow Estates Second Addition	✓ Anthony G. A. Pollock 1035 N. Emporia Suite 140 67214
The West 41.28 feet of lot 18, Park Meadow Estates Second Addition	✓ Glenn D. Drasher Kim G. Drasher 9824 Boston Cir. 67207
Lot 18, except the west 41.28 feet, Park Meadow Estates Second Addition	✓ Charles H. Reichart 9826 Boston Cir. 67207
Lot 19, Park Meadow Estates Second Addition	D Ronald V. Erken Teresa E. Erken 3101 E. 9th 67214

Property Description

Property Owner

Lot 1, Park Meadow Estates Second Addition

D Horst K. Hiller
1515 Goebel Cir.
67207

The North 44.23 feet of lot 2, Park Meadow Estates Second Addition

Wallace McCammon Stromberg
1500 Goebel
67207

Lot 2, except the north 44.23 feet, Park Meadows Estates Second Addition

M. Marcella Meador
1502 Goebel Cir.
67207

Lot 6, Block 1, Park Meadow Estates

Crossroads
3705 E. Douglas
67218

Lot 1, Block 2, Park Meadow Estates

Shirley Stark
1570 Fairfield Lane
67208

Part of lot 21, Park Meadow Estates Second Addition described as beginning at the southeast corner thereof; thence N90°W along the south line of said lot 21, 164 feet to the southwest corner thereof; thence N 00°21'45"E along the west line of said lot 21, 56.63 feet; thence N89°49'30"E, 87.52 feet; thence S84°49'15" E, 26.44 feet to a point on the east line of said lot 21, said point being on a curve having a radius of 50 feet; and being an arc distance of 83.06 feet northwesterly from the southeast corner of said lot 21; thence southeasterly 83.06 feet to the place of beginning.

Raymond C. Trimble
Dorothy C. Trimble
14710 Willow Bend Cir.
67230

Loren A. Russell
Hilda A. Russell
9800 Boston Cir.
67207

Beginning at a point 400 feet east of the southwest corner of Sec. 28-27-2E; thence East along the south line of the Southwest Quarter, 500 feet; thence North parallel with the west line of the Southwest Quarter 400 feet; thence west parallel with the south line of the Southwest Quarter 500 feet; thence south to the point of beginning.

Dean O. Mason
Corlie O. Mason
8002 E. Lynnwood Blvd.
67207

C. Richard Layne
Donna S. Layne
6755 Abbotsford Place
67206

Joseph Fusco
Erma M. Fusco
9325 E. Osie
67207

Property Description

Property Owner

A tract beginning at a point 1133.66 feet east of the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 33, Township 27 South, Range 2 East; thence south 996.3 feet; thence east 190 feet more or less to the east line of the Northwest Quarter of the Northwest Quarter of Section 33; thence north 996.3 feet; thence west to the point of beginning, except the north 40 feet thereof for road &

A tract beginning at a point 1073.66 feet east of the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 33, Township 27 South, Range 2 East of the 6th Principal Meridian; thence south 996.3 feet; thence east 60 feet; thence north 996.3 feet; thence west 60 feet to the point of beginning, except the north 40 feet thereof for road &

A tract beginning at a point 883.66 feet east of the northwest corner of the Northwest Quarter of the Northwest Quarter Sec. 33-27-2 E; thence east 190 feet; thence south 209.75 feet; thence west 190 feet thence north 209.75 feet to the point of beginning; except the north 40 feet thereof for road.

Beginning 623.66 feet East of the Northwest corner of the Northwest Quarter Sec. 33-27-2E; thence south 335 feet; east 39.085 feet; south 197 feet; east 200.915 feet; north 532 feet; west 240 feet to beginning, except tract described as the east half of beginning 733.66 feet east of the northwest corner of the Northwest Quarter Sec. 33; thence south 335 feet; east 130 feet; north 335 feet; west 130 feet to the point of beginning

The East Half of a tract beginning 733.66 feet East of the Northwest corner of the Northwest Quarter Sec. 33-27-2E; thence south 335 feet; east 130 feet; North 335 feet; west 130 feet to the point of beginning.

Wakir Inc.
address unknown

Gladys M. Hembrough
✓ 9801 E. Harry
67207

Ralph C. Hembrough
✓ 9825 E. Harry
67207

Property Description

A tract beginning at a point 441.83 feet east and 532 feet south of the Northwest corner of the Northwest Quarter of Sec. 33-27-2E; thence south 464 feet; thence east 441.6 feet; thence north 998.15 feet; thence west 20 feet; thence south 532 feet; thence west 421.5 feet, more or less to the point of beginning.

Property Owner

✓ Silver's Electric Co. Inc.
2221 George Washington Blvd.
67218

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of:

Lot 4, Block 1, Park Meadows Estates,
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas on this 28th day of February, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

John Ryan
Vice President

Order No: 330834
cf

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-J21

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
City P&A Var	157.00

NAME EVERETT FETTIS

ADDRESS 120 So. MARKET

FUND 55-40071-02 DUE DATE

COMMENTS

DATE FEB 27 1968 BY [Signature]

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2