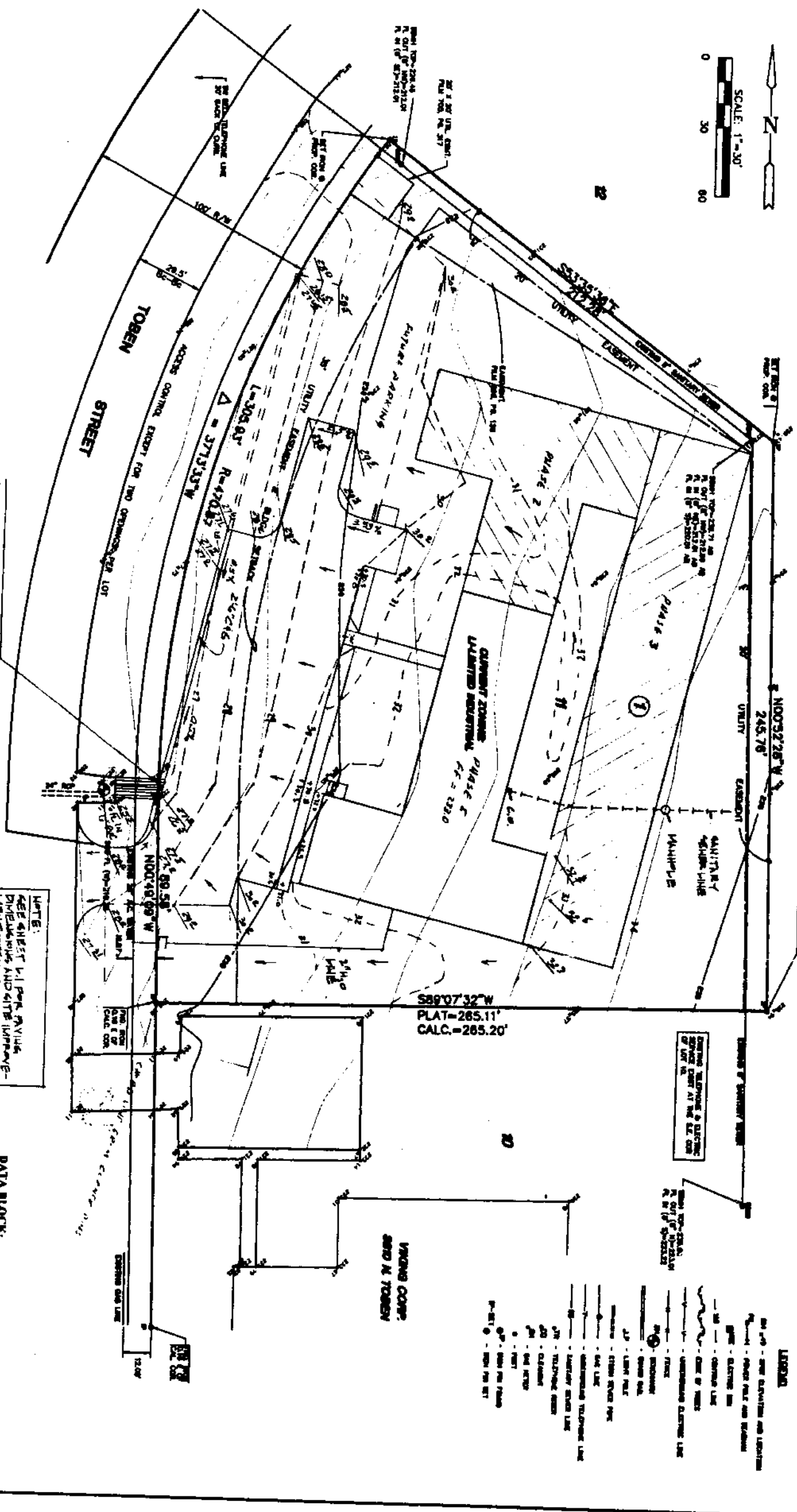
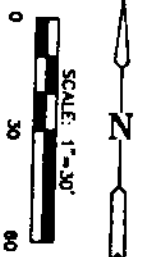


Site Plan



RETAIL & OFFICE OPENING INLETS  
(4'-DEETER 2244 (CONTIN.) OF  
PIPE TO CONDUIT TO EITRINO  
C/SO INLET

SEE SHEET 11 FOR PAVEMENT  
DIVISIONS AND OTHER IMPROVEMENTS  
CRITICAL

DEVELOPER: COMMUNITRAILS  
Area: 1.70 AC ±  
Lot: 521' x 176' (78.15' x 15' ±)  
Lot: 0.70  
Site: 0.20 ACS

**LEGEND**

- 4" - 6" - SEE ELEVATION AND LOCATION
- 8" - 12" - SEE ELEVATION AND LOCATION
- 16" - 24" - SEE ELEVATION AND LOCATION
- 36" - 48" - SEE ELEVATION AND LOCATION
- 60" - 72" - SEE ELEVATION AND LOCATION
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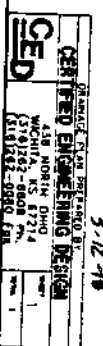
**DATA BLOCK:**

Location: 3820 North Toben Street, Wichita  
 Occupancy Type: Group R, Division 1  
 Construction Type: Two Non-Rated  
 Floor Area: 8,000 Square Feet  
 Occupant Load: 60 Persons  
 Handicapped Access: Yes, Floor At Grade  
 Fire Sprinkled: Yes, Per NFPA 13  
 Parking Provided: 40 Spaces  
 Parking Required: 40 Spaces



James C. McQuinn  
 License No. 1281  
 State of Kansas  
 Expires 2-12-98

Engineering License  
 No. 1281



Harold Dale Parker  
 License No. 10881  
 State of Kansas  
 Expires 5-12-98

**INDUSTRIAL AIR CENTER**  
 PROJECT NAME  
**TOPO - LOT 11 BLK 1**  
 SHEET TITLE

ARCHITECT: JCM  
 DATE: FEBRUARY 1998

ENGINEER: JCM  
 DATE: FEBRUARY 1998

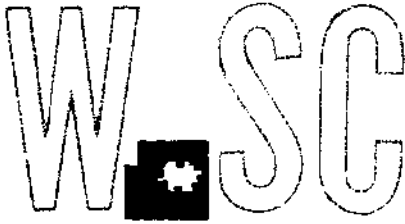
ential Facility for  
**Mirror, Inc.**  
 Wichita, Kansas

THE BREIDENTHAL PARTNERSHIP



Design Build by  
**KOEHN, INC.**  
 P.O. Box 160 Newton, KS. 67114  
 Phone 316-283-3000 Fax 316-283-3063

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

Mirror Inc  
3820 N. Toben Road  
Wichita, KS 67226

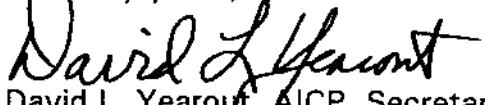
**RE: BZA 21-98 - Variance to reduce the required parking from 61 spaces to 31 spaces on property zoned "LI" Limited Industrial and generally located at 39th Street & Toben Road.**

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,

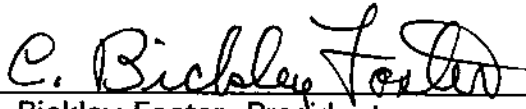
  
David L. Yearout, AICP, Secretary  
Board of Zoning Appeals

DLY/le


cc: Beverly D. Metcalf, President/CEO, 130 E. 5th, P.O. Box 711, Newton, KS 67114  
J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
Yolanda Anderson, MAPC (resolution only)

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 of the foregoing conditions

ADOPTED AT WICHITA, KANSAS, this <sup>22<sup>nd</sup></sup>~~9<sup>th</sup>~~ day of September, 1998.

  
C. Bickley Foster, President

ATTEST:

  
David L. Yearout, AICP, Secretary

## BZA RESOLUTION NO. 21-98

**WHEREAS**, Mirror Inc., c/o Chad Clark, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking from 61 spaces to 31 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Lot 11, Block 1, Industrial Air Center Addition, Wichita, Sedgwick County, Kansas. Generally located east of Toben and north of 37th Street North.

**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 Mirror, Inc., strictly regulates the number of residents for this facility permitted to drive. This company also provides transportation to clients which reduces the need for on-site parking.

**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 area surrounding this site is Limited Industrial and is being developed with industrial uses. The number of spaces on-site should be sufficient to meet the parking demand of this facility and no persons should be parking along Toben which would interfere with the traffic patterns in the general vicinity.

**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 applicant would be required to spend an additional \$25,000 to meet the parking requirement. The additional 30 parking spaces does not seem necessary due to the regulation of residents driving.

**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 the parking spaces provided on-site should be sufficient to meet the demand. Therefore, there should be no parking on any streets in the area which would interfere with traffic flow.

**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 the intent of the parking requirement is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use.

**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 required parking from 61 spaces to 31 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Lot 11, Block 1, Industrial Air Center Addition, Wichita, Sedgwick County, Kansas. Generally located east of Toben and north of 37th Street North.

subject to the following conditions:

1. The parking reduction from 61 spaces to 31 spaces applies to a correctional placement residence with no more than 20 vehicles owned by the residents of the facility and no more than 7 employees on-site at any one time.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
3. The building shall be completed and ready for occupancy within one year or the resolution granting this variance shall become null and void unless the applicant requests an extension from the BZA.
4. At such future time as the site is no longer used as a correctional placement facility for clients that have restricted use of vehicles or if the use changes substantially as determined by the Office of Central Inspection, the site will be required to satisfy all then-existing parking requirements.

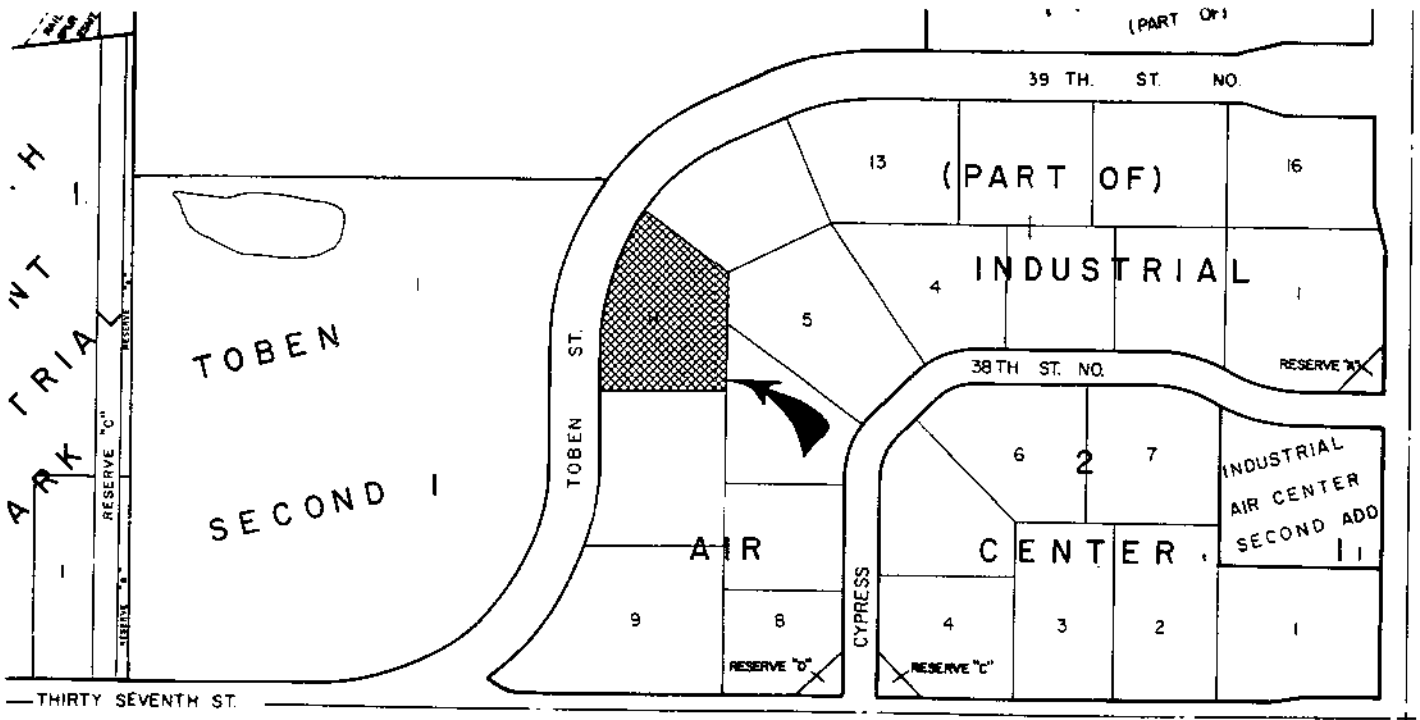
should be adequate for this specific use.

**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 61 spaces to 31 spaces applies to a correctional placement residence with no more than 20 vehicles owned by the residents of the facility and no more than 7 employees on-site at any one time.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
3. The building shall be completed and ready for occupancy within one year or the resolution granting this variance shall become null and void unless the applicant requests an extension from the BZA.
4. At such future time as the site is no longer used as a correctional placement facility for clients that have restricted use of vehicles or if the use changes substantially as determined by the Office of Central Inspection, the site will be required to satisfy all then-existing parking requirements.
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 of the foregoing conditions.

**SECRETARY'S REPORT**

CASE NUMBER: BZA 21-98  
OWNER/APPLICANT: Mirror Inc., c/o Chad Clark  
AGENT: NA  
REQUEST: Variance to reduce the required parking from 61 spaces to 31 spaces  
CURRENT ZONING: "LI" Limited Industrial  
SITE SIZE: 1.5 acres  
LOCATION: East of Toben and north of 37th Street North



**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 parking requirement from 61 spaces to 31 spaces on a 1.5 acre tract of land located east of Toben and north of 37th Street North. This area is zoned "LI" Limited Industrial and will serve as a correctional placement residence. Mirror Incorporated is a nonprofit agency which strives to provide care and help to recent parolees. Attached is a program description provided by the applicant.

The Unified Zoning Code defines a correctional placement residence as, "A facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state operated or franchised work release program, or a privately operated facility housing parolees; (5) received a deferred sentence and placed in facilities operated by community corrections; or (6) require court ordered guidance services for alcohol or chemical dependence. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements which further specify minimum service standards. A correctional placement residence is a permitted use in the "LI" district when located more than 750 feet from the nearest residential zoned district.

The Zoning Code does not define parking requirements for correctional placement residences, therefore the Office of Central Inspection (OCI) has determined that a correctional placement residence is most similar to a boarding house. The number of parking spaces required for a boarding house is one space per housekeeping unit plus one space per each boarder/lodger. Therefore, based on the number of residents and staff, Mirror, Inc. is required to provide 61 parking spaces.

Mirror, Inc., is being required to obtain licensing for the correctional placement facility by the City of Wichita, which is being coordinated by OCI. There are a number of City and County Departments involved with the licensing process, including The Office of Central Inspection, Police, Fire, and Health Department. Only upon passing inspection by all of these agencies will Mirror, Inc. be allowed to operate on this site.

According to the applicant there will be 60 residents staying at this location. The applicant has stated there will be a maximum of seven employees at any one time, and there will be a maximum of 24 residents allowed to drive. Therefore, there will only be a need for 31 parking spaces on-site. Staff believes that there should be spaces for guests and therefore the number of residents allowed to drive should be limited to 20. This should leave an additional four parking spaces available for guests and visitors.

The site is surrounded by undeveloped land to the north, east and west, which is zoned "LI." Just south of this site is Viking Industries and Valassis Incorporated.

There have been several parking variances approved for this type of facility. BZA 7-97 approved a variance to reduce the parking requirement from 162 to 108 for KETCH. This is a training facility for the handicapped. Mirror Inc. also received a parking variance at their facility on Pattie in 1997 to reduce the parking requirement from 59 parking spaces to 16 parking spaces. (BZA 19-97)

**ADJACENT ZONING AND LAND USE:**

NORTH	"LI"	Undeveloped industrial land
SOUTH	"LI"	Viking Industries
EAST	"LI"	Undeveloped industrial land
WEST	"LI"	Undeveloped industrial land

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as Mirror, Inc. strictly regulates the number of residents of this facility permitted to drive. This company also provides transportation to clients which reduces the need for on-site parking.

**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 area surrounding this site is Limited Industrial and is being developed with industrial uses. The number of spaces on-site should be sufficient to meet the parking demand of this facility and no persons should be parking along Toben which would interfere with traffic patterns in the general vicinity.

**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 the applicant would be required to spend an additional \$25,000 to meet the parking requirement. The additional 30 parking spaces does not seem necessary due to the regulation of residents driving.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the parking spaces provided on-site should be sufficient to meet the demand. Therefore, there should be no parking on any streets in the area which would interfere with traffic flow.

**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 the intent of the parking requirement is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements