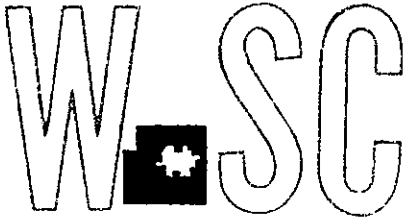


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

October 1, 1997

The Forum Expo Hall  
c/o Ron Nutt  
623 E. Elm  
Wichita, KS 67202

**RE: BZA-15-97 - Request for two variances 1) to reduce the required parking from 1000 spaces to 800 spaces; and 2) to increase off-site parking from 50% to 96% on property zoned "LI" Limited Industrial and generally located on the southwest corner of Elm and Maple Street**

Dear Mr. Nutt:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on September 24, 1997. 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,

Lawrence P. Mitchell, Secretary  
Board of Zoning Appeals

LPM/sah

cc: Forest Siding Supply Inc., 50 N. May Ave., Oklahoma City, OK 73107  
Dean Felt, 1800 S. Longford Ct., Wichita, KS 67207  
OCI: J. R. Cox, Paul Hays, Ray Sledge,  
Pat Burnett, Deputy City Clerk  
Yolanda Anderson, MAPC (resolution only)

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the parking proposed to be leased to support the use on the site should be adequate to meet the needs of the employees and public without unduly impacting the public interest.

**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 ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of the specific types of uses and the reduced 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 applicant shall lease at a minimum 692 off-site parking spaces which will be available at a time when events are conducted on site. All parking lots must be within 600 feet of the application area. The leases shall be reviewed and approved by the Office of Central Inspection all leased lots must meet all City of Wichita code requirements for parking lots.
2. The variance to increase off-site parking from 50% to 96% applies to a building with no more than 22,950 square feet which is used for an auditorium which requires no more than 720 spaces and conducts events only after 6 PM.
3. The auditorium and required parking leases per this variance must be developed within one year.
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.

**BZA RESOLUTION NO. 15-97A**

**WHEREAS**, Forest Siding Supply Inc. (owner), and The Form Expo Hall, Ron Nutt (lessee), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking from 1000 spaces to 800 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Lots 2, 4, 6, 8 and 10, on Santa Fe, in J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located southwest corner of Elm and Santa Fe (623 E. Elm).

**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 24, 1997, 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 it is located within an inner city industrial area which was developed at a time which did not require on-site parking in relation to the size and use of development; 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 the use of the site will be limited to evening and weekend events at a time when other business in the area will be closed. This should limit the impact on adjacent properties in the area; and

**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 existing development on the site could not be used for a purpose that required more than 28 parking spaces when there are 692 parking spaces in the general area which could be leased to support a use which requires a greater number of parking spaces on the site; 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, inasmuch as the parking proposed to be leased to support the use on the site should be adequate to meet the needs of the employees and public without unduly impacting the public interest; 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 the zoning ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of the 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.

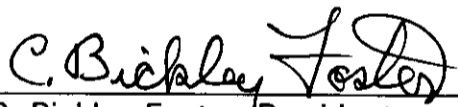
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the required parking from 1000 spaces to 720 spaces on property zoned "LI" Limited Industrial and legally described as follows:

Lots 2, 4, 6, 8 and 10, on Santa Fe, in J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The applicant shall lease at a minimum 772 off-site parking spaces which will be available at a time when events are conducted on site. All parking lots must be within 600 feet of the application area. The leases shall be reviewed and approved by the Office of Central Inspection all leased lots must meet all City of Wichita code requirements for parking lots.
2. The parking reduction from 1000 spaces to 800 spaces applies to a building with no more than 22,950 square feet which is used for an auditorium which requires no more than 800 spaces and conducts events only after 6 PM.
3. The off-site parking spaces shall be identified so as to make the public aware of their availability for use by clients of the business operating at 623 E. Elm.
4. Notification shall be maintained in the business at 623 E. Elm which will alert clients that parking for their use is available at the leased locations.
5. The auditorium and required parking leases per this variance must be developed within one year. If leases to parking areas for the required 772 off-site parking spaces lapse, this variance becomes null and void.
6. 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 24th day of September, 1997.

  
C. Bickley Foster, President

ATTEST:

  
Lawrence P. Mitchell, Secretary

**BZA RESOLUTION NO. BZA 15-97B**

**WHEREAS**, Forest Siding Supply Inc. (owner) and The Form Expo Hall, Ron Nutt (lessee), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase off-site parking from 50% to 96% on property zoned "LI" Limited Industrial and legally described as follows:

Lots 2, 4, 6, 8 and 10, on Santa Fe, in J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located southwest corner of Elm and Santa Fe (623 E. Elm).

**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 24, 1997, 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 it is located within an inner-city industrial area which was developed at a time which did not require on-site parking in relation to the size and use of development; 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 the use of the site will be limited to evening and weekend events at a time when other business in the area will be closed. This should limit the impact on adjacent properties in the area; and

**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 existing development on the site could not be used for a purpose that required more than 28 parking spaces when there are 692 parking spaces in the general area which could be leased to support a use which requires a greater number of parking spaces on the site; 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, inasmuch as the parking proposed to be leased to support the use on the site should be adequate to meet the needs of the employees and public without unduly impacting the public interest; 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 the zoning ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of the 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.

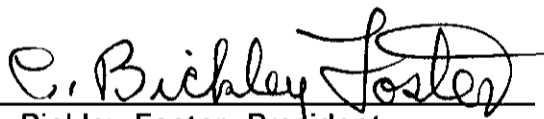
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to variance to increase off-site parking from 50% to 96% on property zoned "LI" Limited Industrial and legally described as follows:

Lots 2, 4, 6, 8 and 10, on Santa Fe, in J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The applicant shall lease at a minimum 772 off-site parking spaces which will be available at a time when events are conducted on site. All parking lots must be within 600 feet of the application area. The leases shall be reviewed and approved by the Office of Central Inspection all leased lots must meet all City of Wichita code requirements for parking lots.
2. The variance to increase off-site parking from 50% to 96% applies to a building with no more than 22,950 square feet which is used for an auditorium which requires no more than 800 spaces and conducts events only after 6:00 p.m.
3. The off-site parking spaces shall be identified so as to make the public aware of their availability for use by clients of the business operating at 623 E. Elm.
4. Notification shall be maintained in the business at 623 E. Elm which will alert clients that parking for their use is available at the leased locations.
5. The auditorium and required parking leases per this variance must be developed within one year. If leases to parking areas for the required 772 off-site parking spaces lapse, this variance becomes null and void.
6. 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 24th day of September, 1997.

  
C. Bickley Foster, President

ATTEST:

  
Lawrence P. Mitchell, Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA 15-97

OWNER/APPLICANT: Forest Siding Supply Inc./The Form Expo Hall,  
Ron Nutt (lessee)

REQUEST: Variance to 1) Reduce the required parking from  
1000 spaces to 720 spaces and 2) Increase off-  
site parking from 50% to 96%.

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.80 Acres

LOCATION: Southwest corner of Elm and Santa Fe (623 E.  
Elm)



**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, Forest Siding Supply Inc. and the lessee, Ron Nutt are requesting two variances to parking requirements contained in the Unified Zoning Code in order to use their site which contains a 22,950 square foot building as an auditorium. The applicant has indicated that they desire to convert the existing industrial storage building into a community gathering place which would be available to host special athletic and other events with an occupancy load of up to 2300 individuals. The Office of Central Inspection has determined that the applicant's intended layout and use of the building will require 1000 parking spaces. The Unified Zoning Code also requires that no more than 50 percent of the required parking for a given use can be provided off site. In this specific instance, the application area has only 28 spaces on site, therefore if this site is to be used as auditorium the applicant must obtain two variances.

Request No. 1 - Reduce the required parking from 1000 spaces to 720 spaces. The Unified Zoning Code establishes the number of parking spaces required by the land use. The applicant's specific use of the building establishes the use as Public Assembly, Concentrated with a parking requirement of 1 space per 21 square feet used for public assembly. Therefore, the parking requirement as determined by the Office of Central Inspection for the site is 1000 spaces. The applicant has been able to secure leases on various off-site parking lots in the area which contain a total of 692 spaces. These 692 spaces and the 28 that exist on the site are the total numbers of spaces that the applicant proposes to provide to the patrons that use the auditorium facility. Therefore, the applicant is requesting a 28 percent reduction in the parking requirement for this public assembly use on the site.

Request No. 2 - Increase off-site parking from 50% to 96%. The Unified Zoning Code requires that no more than 50% of the required parking for a given use can be provided off-site. In this specific case, the site contain 28 spaces and the applicant is proposing to provide 692 spaces off-site.

The applicant's site is located on the southwest corner of Santa Fe and Elm and is located within an industrial warehouse district. There are several parking lots within 600 feet of the application area that serve other business in the area. The businesses in the area are generally operating between the hours of 8 AM to 5 PM during weekdays. The applicant is obtaining leases on these parking lots to allow them to use the facilities during off-peak hours, generally in the evenings and weekends.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LI"	Dairy Processing Facility (Hiland Dairy Foods)
SOUTH	"LI"	Broadcasting Studio (Channel 55)
EAST	"LI"	Dairy Processing Facility (Hiland Dairy foods)
WEST	"LI"	Medical Supplies (Homeland Medical Services)

**Request No. 1 Variance to reduce the required parking from 1000 spaces to 720 spaces.**

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as it is located within an inner city industrial area which was developed at a time which did not require on-site parking in relation to the size and use of development.

**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 use of the site will be limited to evening and weekend events at a time when other business in the area will be closed. This should limit the impact on adjacent properties in the area.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the existing development on the site could not be used for a purpose that required more than 28 parking spaces when there are 692 parking spaces in the general area which could be leased to support a use which requires a greater number of parking spaces on the site.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the parking proposed to be leased to support the use on the site should be adequate to meet the needs of the employees and public without unduly impacting the public interest.

**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 ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of the specific types of uses and the reduced 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 applicant shall lease at a minimum 692 off-site parking spaces which will be available at a time when events are conducted on site. All parking lots must be within 600 feet of the application area. The leases shall be reviewed and approved by the Office of Central Inspection all leased lots must meet all City of Wichita code requirements for parking lots.
2. The parking reduction from 1000 spaces to 720 spaces applies to a building with no more than 22,950 square feet which is used for an auditorium which requires no more than 720 spaces and conducts events only after 6 PM.
3. The auditorium and required parking leases per this variance must be developed within one year.
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.

**Request No. 2 Variance to increase off-site parking from 50% to 96%.**

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as it is located within an inner-city industrial area which was developed at a time which did not require on-site parking in relation to the size and use of development.

**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 use of the site will be limited to evening and weekend events at a time when other business in the area will be closed. This should limit the impact on adjacent properties in the area.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the existing development on the site could not be used for a purpose that required more than 28 parking spaces when there are 692 parking spaces in the general area which could be leased to support a use which requires a greater number of parking spaces on the site.