



Wichita-Sedgwick County Metropolitan Area Planning Department

June 21, 2001

Jack E. Smith
Gynnie C. Smith
2519 E. Harry
Wichita, KS 67211

FILE COPY

RE: CON2000-00035- Conditional Use to permit ancillary parking in the "TF-3" Two-Family Residential District. Generally located ¼ block south of Harry and on the West Side of Green Street.

Dear Jack and Gynnie:

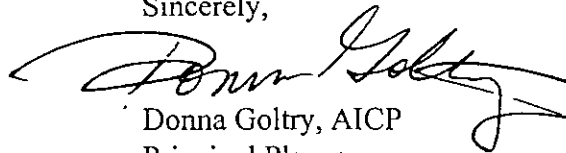
At its regular meeting on October 19, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

1. The applicants will submit a revised site plan for approval by the Planning Director.
2. The Conditional Use shall only be permitted for an ancillary parking lot. There will no parking of commercial vehicles without amending the Conditional Use permit.
3. The ancillary parking lot shall be well lighted with the lights shielded from adjacent properties.
4. The ancillary parking lot shall be paved and properly striped.
5. Parking lot screening and street yard landscaping on the east side of the lot, and buffer trees along the south and west property lines, shall be planted and maintained according to a plan submitted to and approved by the Planning Director.
6. There will be one parking slot designated for handicapped parking. All parking spaces reserved for persons with disabilities shall comply with the size requirements of the Americans with Disabilities Act and other applicable codes.

7. The applicants shall erect and maintain a six-foot fence, of standard construction materials, along the southern perimeter of the ancillary parking lot, and shall maintain the existing six-foot wooden fence along the west perimeter of Reserve "A" of the ancillary parking lot.
8. There shall be screening provided for all dumpsters and/or trash receptacles that may be placed in the rear (west end) of the ancillary parking lot.
9. The applicant shall retain and maintain existing plantings along the eastern edge of the property adjacent to Green Street.
10. The applicant will maintain his property and keep it free of debris.
11. The applicants shall submit a Landscape Plan for approval by the Director of Planning that complies with the Landscaping Ordinance.
12. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the actin of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,



Donna Goltry, AICP
Principal Planner

DJG/rs

cc: City Council Member District III, Phil Lambke, Mail Stop 1-13
D.A.B. III, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON-2000-00035

WHEREAS, Jack E. and Gynnie C. Smith, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow Ancillary parking on .08 acres (3,500 square feet) zoned "TF-3" Two-Family Residential described as:

Lot 1, Block 10 & N 250 part of Reserve A, adjacent on the west, Eichholtz Addition to the City of Wichita, Kansas Sedgwick County Kansas. Generally located ¼ block south of Harry and on the West side of Green Street.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of October 19, 2000, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow Ancillary parking on .08 acres (3,500 square feet) zoned "TF-3" Two-Family Residential described as:

Lot 1, Block 10 & N 250 part of Reserve A, adjacent on the west, Eichholtz Addition to the City of Wichita, Kansas Sedgwick County Kansas. Generally located ¼ block south of Harry and on the West side of Green Street.

subject to the following conditions:

1. The applicants will submit a revised site plan for approval by the Planning Director.
2. The Conditional Use shall only be permitted for an ancillary parking lot. There will no parking of commercial vehicles without amending the Conditional Use permit.
3. The ancillary parking lot shall be well lighted with the lights shielded from adjacent properties.
4. The ancillary parking lot shall be paved and properly striped.

5. Parking lot screening and street yard landscaping on the east side of the lot, and buffer trees along the south and west property lines, shall be planted and maintained according to a plan submitted to and approved by the Planning Director.
6. There will be one parking slot designated for handicapped parking. All parking spaces reserved for persons with disabilities shall comply with the size requirements of the Americans with Disabilities Act and other applicable codes.
7. The applicants shall erect and maintain a six-foot fence, of standard construction materials, along the southern perimeter of the ancillary parking lot, and shall maintain the existing six-foot wooden fence along the west perimeter of Reserve "A" of the ancillary parking lot.
8. There shall be screening provided for all dumpsters and/or trash receptacles that may be placed in the rear (west end) of the ancillary parking lot.
9. The applicant shall retain and maintain existing plantings along the eastern edge of the property adjacent to Green Street.
10. The applicant will maintain his property and keep it free of debris.
11. The applicants shall submit a Landscape Plan for approval by the Director of Planning that complies with the Landscaping Ordinance.
12. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

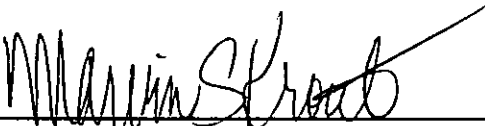
Adopted this 2nd day of November, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



J.D. (Jerry) Michaelis, Acting Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

STAFF REPORT

MAPC – September 21, 2000 [deferred to DAB-III]

DAB-III – October 3, 2000 [10-0 to approve]

MAPC – October 19, 2000

CASE NUMBER: CON2000-000035

APPLICANT/AGENT: Jack E. and Gynnie C. Smith (Applicants/Owners)

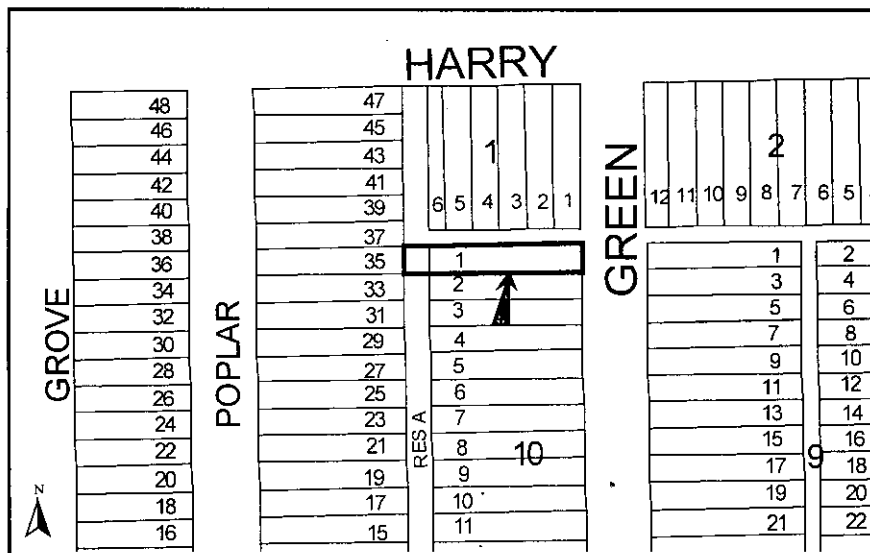
REQUEST: Conditional Use to permit ancillary parking in the
 "TF-3" Two-Family Residential District

CURRENT ZONING: "TF-3" Two-Family Residential

SITE SIZE: .08 acres (3,500 square feet)

LOCATION: ¼ block south of Harry and on the West Side Green
 Street

PROPOSED USES: Ancillary parking in the "TF-3" Two-Family Residential
 District



BACKGROUND: The applicants are requesting a Conditional Use to permit ancillary parking in the "TF-3" Two-Family Residential District on a platted .08-acre tract of land. This property is located ¼ block south of Harry and west of Green Street. The application area is just south of a commercial cluster of buildings that are south of Harry and between Green Street on the east and Popular Street on the west (City Wide Appliances, Smith Shoe Shop, tire store, etc.). In May 1999, a tornado struck this commercial area and destroyed a BBQ business (former Dairy Queen building). There was damage to structures and roofs of other businesses and residential homes as well. The applicants are in the process of building another commercial building just north of the application area (site of the former destroyed businesses) that will front Green Street. The applicants want to provide additional parking for an existing appliance store and the new building.

The applicants have recently purchased the residential property to the south of their commercial site (1621 South Green). They intend to use a portion of the northern part of the property for an ancillary parking lot. Currently there is a chain link fence just south of a vacated alley (VAC2000-00024) that runs east west between the existing commercial building, the building site to the east and the application area. The applicants will remove the chain link fence, construct a parking lot approximately 50 feet to the south and then erect a solid screening fence, of standard construction materials, along the southern perimeter of the parking lot. This area will serve as the ancillary parking lot for the one commercial building and the commercial building that is currently being built to the north. The proposed parking lot will have a single 24-foot entrance along the west side of Green Street that lines up with the alley across Green Street to the east. Additionally, there is a six-foot wooden screening fence provided to the west.

The applicants have submitted a site plan that shows an ancillary parking lot that has 11 parking spaces. The guidelines of the Unified Zoning Code requires that off-street parking and loading facilities be provided for any new building being constructed. In addition, one of required parking spaces would be specifically designated, located and reserved for use by persons with disabilities. The current site plan lacks specificity and is unclear. The applicant will need to submit a revised site plan and landscape plan to be approved by staff.

On September 21, 2000, the MAPC Members voted 10-0 to return this request to the District Advisory Board (DAB) for District III. On October 3, 2000 the DAB-III voted 10-0 to recommend approval subject to the MAPD staff report and revised conditions (see "Conditions of Approval").

CASE HISTORY: The application area (Lot 1) was platted in May 1887 as the Eicholtz Addition.

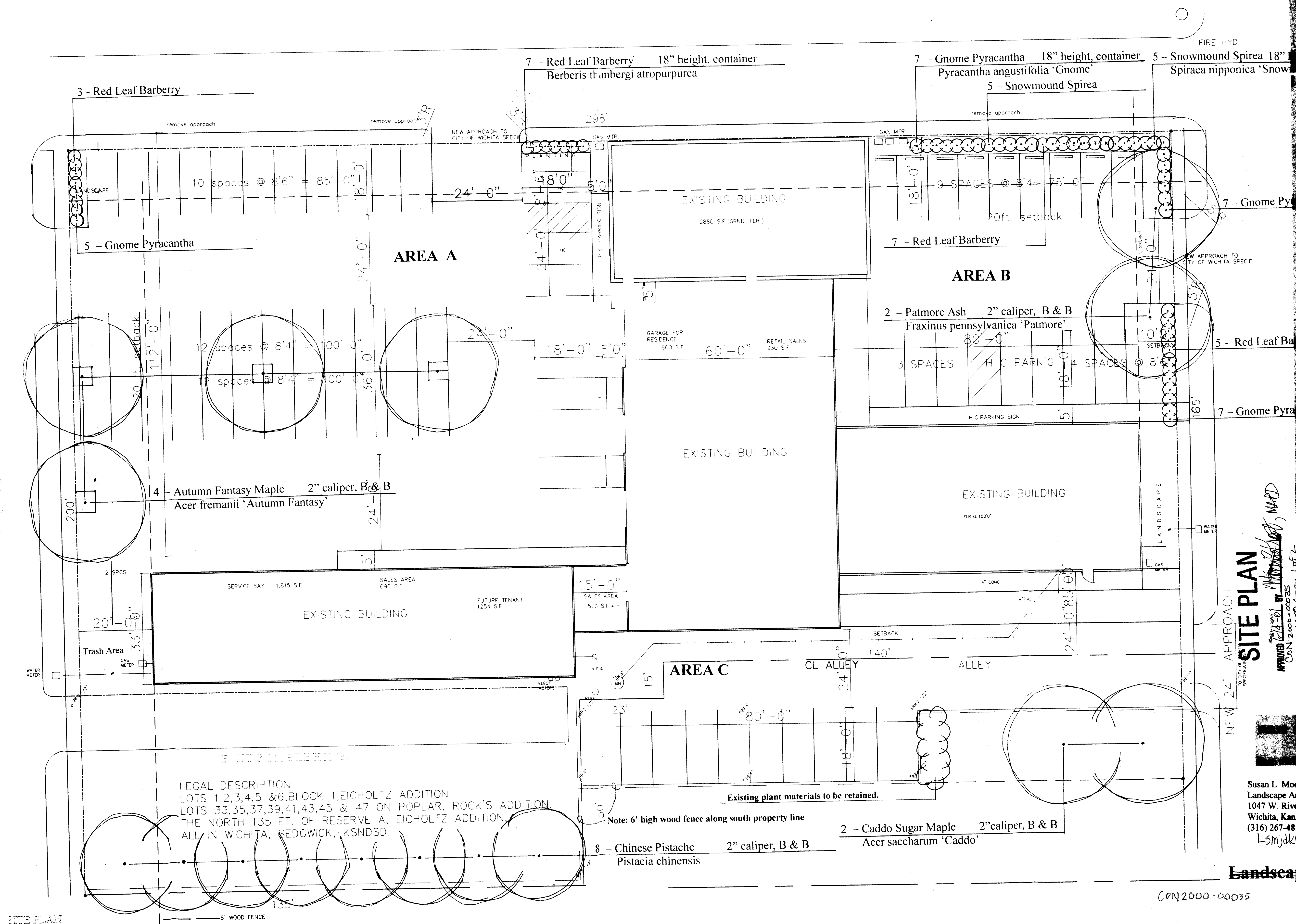
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The Conditional Use introduces non-residential uses that are incompatible with low-density use. **Construction sales and service is considered a use that does not blend well with residential use. Typical operations have a lot of heavy equipment (noise), rely on outdoor storage of equipment and supplies, and require a large amount of land, making adequate screening and buffering expensive.**
4. The length of time the subject property has remained vacant as zoned: The property has been used as the applicant's residence and construction business since 1989.
5. The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approving the Conditional Use permit will benefit the applicant by not requiring him to relocate his construction business.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed request is not in conformance with the Wichita Land Use Guide of the Comprehensive Plan. The request fails to comply with all locational guidelines for industrial use except not directly using local residential streets for access. The request also fails to comply with the commercial locational guidelines of not locating within commercial clusters or nodes or gravitating to the established areas of similar use or where traffic patterns, surrounding land uses and utilities can support such development.
7. Impact of the proposed development on community facilities: Traffic impact should be minimal. Currently, the applicant has well water and a septic/lateral sewage system. Granting this Conditional Use permit should have no negative impact on the general area.

5. Parking lot screening and street yard landscaping on the east side of the lot, and buffer trees along the south and west property lines, shall be planted and maintained according to a plan submitted to and approved by the Planning Director.
6. There will be one parking slot designated for handicapped parking. All parking spaces reserved for persons with disabilities shall comply with the size requirements of the Americans with Disabilities Act and other applicable codes.
7. The applicants shall erect and maintain a six-foot fence, of standard construction materials, along the southern perimeter of the ancillary parking lot, and shall maintain the existing six-foot wooden fence along the west perimeter of Reserve "A" of the ancillary parking lot.
8. There shall be screening provided for all dumpsters and/or trash receptacles that may be placed in the rear (west end) of the ancillary parking lot.
9. The applicant shall retain and maintain existing plantings along the eastern edge of the property adjacent to Green Street.
10. The applicants will maintain his property and keep it free of debris.
11. The applicants shall submit a landscape plan for approval by the Director of Planning that complies with the Landscaping Ordinance.
12. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are single-family homes located to the south, west and east that are zoned "SF-6" Single-Family Residential. The Chisholm Life Skills Center building is located one block south of the application area. The business properties directly to the north, and south of Harry between Green and Popular Streets, are zoned "LC" Limited Commercial. There are a number of commercial businesses in this one block area.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. Staff is recommending that the applicants erect a six-foot screening fence, constructed of standard building materials, along the southern property line, maintain an existing wooden fence along the western property line and add landscaping along the property line abutting residential lots in an effort to minimize any negative impact to nearby properties.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "low density residential" uses. This low density residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivision and planned developments with a mix of housing types that may include townhouses and multi-family units. Schools, churches and other similar uses are also found in this category. This request for ancillary parking does not conform to the designation of the Land Use Guide of the Comprehensive Plan for "low residential" uses. There are, however, commercial uses directly north and northwest of the application area that is zoned "LC" Limited Commercial. There are also commercial uses one-half block to the east along and south of Harry. The Wichita Residential Area Enhancement Strategy Map as being appropriate for "revitalization" efforts classifies this area. Over the years, the MAPC and City Council have had an informal policy of generally supporting requests to expand existing businesses.
4. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "SF-6" and is developed with a single-family home. Based upon the requirements of the Unified Zoning Code requirements for ancillary parking, the applicants are required to obtain a Conditional Use in order to use this property for ancillary parking purposes.
5. Impact of the proposed development on community facilities: The business expansion planned to the north with this parking lot to will generate additional traffic along Green Street. The proposed ancillary parking lot will minimize on-street parking.



SANDY ROBERTS ARCHITECT
687 OAK FOREST LANE, DERBY, KS. (316) 788-8888

**ADDITIONS TO SMITH SHOE
REPAIR 2532 E. HARRY**

DATE: 9/24/98
REVISED: 11/30/99
SHEET
L-1