CONDITIONAL USE RESOLUTION NO. CU- 507

WHEREAS, Charles F. McAfee, Abner V. J. Jackson, and Anderson E. Jackson, 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 lots for hotel project on 0.239 acre (2916 & 2918 Shadybrook) and 0.197 acre (2934 & 2936 Shadybrook) described as:

West 26 ft. Lot 10 except north 8 ft. and east 45 ft. Lot 11 except north 8 ft. Block 2, Shadybrook Addition; and Lot 7 except north 8 ft. and except east 6 ft. Lot 8 except north 8 ft., Block 2 Shadybrook Addition. Generally located south of 21st Street North and west of Carmen Drive.

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 February 25, 1999, 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 Conditional Use ancillary parking lots for hotel project on 0.239 acres (2916 & 2918 Shadybrook) and 0.197 acre (2934 & 2936 Shadybrook) zoned "TF-3" Two Family described as

West 26 ft. Lot 10 except north 8 ft. and east 45 ft. Lot 11 except north 8 ft. Block 2, Shadybrook Addition; and Lot 7 except north 8 ft. and except east 6 ft. Lot 8 except north 8 ft., Block 2 Shadybrook Addition. Generally located south of 21st Street North and west of Carmen Drive.

subject to the following conditions:

1. The applicant shall submit for approval by the Office of Central Inspection a landscaping plan that shows the manner in which the total site (hotel site and ancillary parking) conforms with street yard landscaping, buffering, and parking lot landscaping and screening requirements of the Landscape Ordinance. As part of this landscaping plan, the applicant will place a fence six to eight feet in height along the perimeter of the parking lot areas adjoining "TF-3" Two-Family property located west and south of the property, except that this may be modified by the landscape plan in order to meet traffic visibility requirements.

2. Access to the ancillary parking lots shall be north onto the drive circulating around the rear of the hotel and onto Carmen Drive or 21st Street North. No openings shall be along Shadybrook Drive.

3. Lighting fixtures shall be a maximum of 16 feet in height.

4. The site will be developed in substantial conformance with an approved site plan. Any violation of the above stated conditions shall render this "Conditional Use" permit null and void.

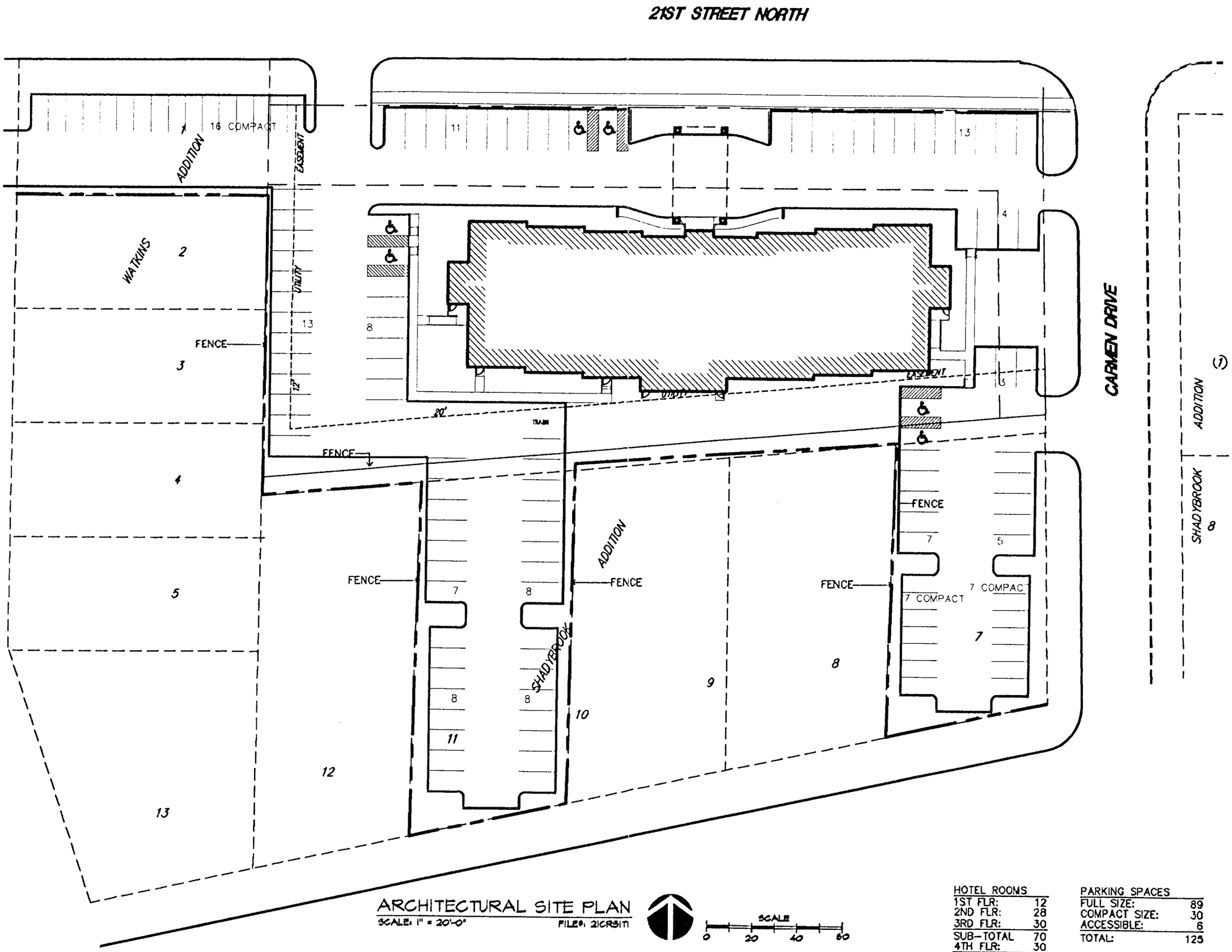
Adopted this 25th day of February, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

William M. Johnson, Chairman

ATTEST:

Marvin S. Krout, Secretary



ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0" FILE#: 21CRSITI

SCALE 0 20 40 60

HOTEL ROOMS	
1ST FLR:	12
2ND FLR:	28
3RD FLR:	30
SUB-TOTAL	70
4TH FLR:	30
TOTAL:	100

PARKING SPACES	
FULL SIZE:	89
COMPACT SIZE:	30
ACCESSIBLE:	6
TOTAL:	125

(24% COMPACT CARS)

REVISION DATES

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Charles F. McAfee

CHARLES F. McAFEE, FAIA, NOMA, PA
ARCHITECTS PLANNERS
WICHITA ATLANTA DALLAS ORLANDO CITY

SEAL

21st STREET HOTEL
WICHITA, KANSAS

McAFEE MANUFACTURING COMPANY, INC

PROJECT MANAGER: D. Sperry / B. Beard
PROJECT NO.: 97555
DATE: August 11, 1998

CFM

SHEET NO.
SA1.1

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

CPO(1) February 22, 1999
MAPC February 25, 1999

CASE NUMBER: CU-507

APPLICANT/AGENT: Charles F. McAfee (Applicant); Abner V.J. Jackson (Owner); Anderson E. Jackson (Owner)

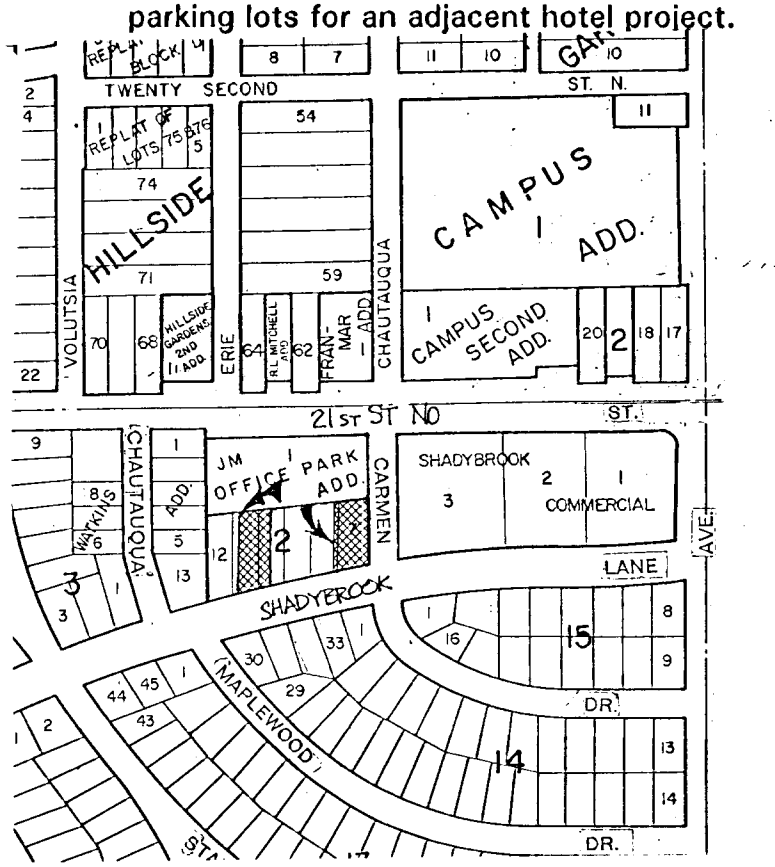
REQUEST: Conditional Use to allow ancillary parking lots for hotel project on property zoned "TF-3" Two-family

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: 0.239 acre (2916 & 2918 Shadybrook) and 0.197 acre (2934 & 2936 Shadybrook)

LOCATION: South of 21st Street North and west of Carmen Drive

PROPOSED USE: The applicant requests a Conditional Use for two ancillary parking lots for an adjacent hotel project.



BACKGROUND: The applicant is requesting a "Conditional Use" to allow two lots, zoned "TF-3" Two-Family, fronting onto Shadybrook Lane to be used for ancillary parking for an adjacent 100-unit hotel project located south of 21st Street North and west of Carmen Drive. The Unified Zoning Code permits ancillary parking in the "TF-3" district only with a "Conditional Use" permit.

The developer is required to provide 121 parking spaces for the hotel project based on the Unified Zoning Code requirements of providing one parking space per guest room plus one parking space per 250 square feet of retail, service and office space and one parking space per 5 occupants allowed in a restaurant contained within the hotel. The amount of parking required can be reduced by administrative adjustment for commercial projects and would result in a minimum number of required parking spaces of 109 with the granting of an administrative adjustment. The attached site plan shows 110 parking spaces, with 57 of these spaces located on"TF-3" zoned property.

This request for a Conditional Use for ancillary parking is related to three additional requests. As mentioned, an administrative adjustment is needed to reduce total parking spaces required, and the administrative adjustment also should include a request to allow 5 of the spaces to be located within the front yard setback. Secondly, a variance of the "compatibility" standards to allow a total height of the hotel at 57 feet adjoining the lots to the south is being heard by the Board of Zoning Appeals. Finally, V-2156 requests vacation of the platted front yard setback from 25 feet to 12 feet to allow the canopy entrance of the hotel to extend into the required front yard setback along 21st Street.

Currently the two lots requested for approval as ancillary parking lots are vacant. The area surrounding the site includes a mix of uses. The Northeast Police Substation is located directly east across Carmen Drive, followed by the Angelou Northeast Branch Library and Bank IV (C.U.P. 210). The uses across 21st Street to the north include an office, a club and two single family houses. The two dwellings located between the ancillary lots apparently have been converted from duplexes to single family dwellings. South and west of the parking lots are duplexes and single family houses.

A vacant lot (Watkins Addition Lot 1) along 21st Street North is owned by the applicant but not included in the site plan. While this lot could be used for additional parking, it is too narrow to meet setback requirements without a variance. Also, it may be more desirable in the future to combine this lot with the adjoining property to the south to make an additional redevelopment parcel along the 21st Street North corridor.

CASE HISTORY: The sites for the ancillary parking lots were platted in 1941 as Shadybrook Addition. The hotel project site was platted as J. M. Office Park Addition in 1997 and was rezoned from "A" Two-Family Dwelling district and "RB" Four-Family Dwelling District to "LC" Light Commercial December 12, 1995 (MAPC Case Z-3182).

The applicant proffered a voluntary restrictive covenant in association with the rezoning which included that signage be restricted to the requirements of "BB" Office District and that drinking establishments, adult entertainment establishments, liquor stores, and outside sales or rental of vehicles shall not be permitted. These restrictions remain in place.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" "Limited Commercial"; vacant but proposed for hotel project
SOUTH: "TF-3" "Two-Family", duplexes and single family units
EAST: ~~"TF-3" "Two-Family"~~, Northeast Police Substation" DP-210 " "LC "
WEST: "TF-3" "Two-Family", duplexes and single family units

PUBLIC SERVICES: This application area is located along 21st Street North, a five-lane arterial with existing traffic volumes of 16,827 (ADT). Projected traffic volumes for 2020 are 26,909. Sewer and water service are available to this site.

CONFORMANCE TO PLANS/POLICIES: The "Area Treatment Classification" of the Comprehensive Plan identifies this area as "Re-Establishment". This treatment category recognizes that severely deteriorated areas may require a large scale overhaul to create vitality. The neighborhood plan for the area, "Wichita's Northeast Rediscovering Community Plan" identifies the site for residential apartment use. However, the "21st Street North Corridor Revitalization Study" (which was received and filed by the City Council) indicates that this site is appropriate for redevelopment. The hotel project site is depicted as a part of a larger commercial redevelopment project complimentary to C.U.P. 210 located immediately to the east.

The adopted Land Use Guide of the Comprehensive Plan identifies the ancillary parking lot sites as appropriate for low density residential, while the land along 21st Street North is shown for commercial, multi-family and institutional.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED with the following conditions:

1. The applicant shall submit for approval by the Office of Central Inspection to the Planning Director a landscaping plan that shows the manner in which the total site (hotel site and ancillary parking) conforms with street yard landscaping, buffering, and parking lot landscaping and screening requirements of the Landscape Ordinance. As part of this landscaping plan, the applicant will place a fence six to eight feet in height along the perimeter of the parking lot areas adjoining "TF-3" Two-Family property located west and south of the property, except that this may be modified by the landscape plan in order to meet traffic visibility requirements.

2. Access to the ancillary parking lots shall be north onto the drive circulating around the rear of the hotel and onto Carmen Drive or 21st Street North. No openings shall be along Shadybrook Drive.

3. The site will be developed in substantial conformance with an approved site plan. Any violation of the above stated conditions shall render this "Conditional Use" permit null and void.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: The area surrounding the application area is characterized as a mix of commercial, institutional and residential uses. The main site already is zoned"LC" Limited Commercial which includes hotels as a permitted use.

2. Suitability of the subject property for the uses to which it has been restricted: The property comprising the ancillary lots could be used for any of the uses allowed by right through "TF" Two-Family, consistent with existing adjacent uses to the south and west. However, it is a part of a larger tract already zoned for commercial use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request will detrimentally affect the two duplexes converted to single family residences by surrounding them with a fenced parking lot. The effect on residential use across Shadybrook Drive and with back lots adjoining the tract should be minimal due to fencing, screening, landscaping and prohibiting access via Shadybrook.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The City has invested millions of dollars in public improvements, land assembly, and public buildings along this corridor and development standards to protect that investment would be appropriate. The applicant has not provided any evidence that the suggested development restrictions would create a hardship upon the applicant or the redevelopment potential for this site.

4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends this area as Re-Establishment, and the "Wichita's Northeast Rediscovering Community Plan" identifies the site for residential apartment use. However, the "21st Street North Corridor Revitalization Study" indicates that this site is appropriate for redevelopment.

5. Impact of the proposed development on community facilities: Municipal water and sewer services are located nearby and are available to serve the site. 21st Street North is projected to have available traffic capacity to serve new development in this area.