

CONDITIONAL USE RESOLUTION NO. CON-2001-00058

WHEREAS, Via Christi Property Services, Inc., c/o David M. Mohr, President, Catholic Diocese of Wichita (owner); Baughman Company, P.A., c/o Russ Ewy (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use for ancillary parking on 0.85 acres zoned "TF-3" Two-Family Residential described as:

The South 140.00 feet of the North 276.53 feet of the East 80.00 feet of Lot 1, Replat of Part of Pineridge Addition to Wichita, Sedgwick County, Kansas; together with the North 136.53 feet of the East 192.00 feet of Lot 1, Replat of Part of Pineridge Addition, Wichita, Sedgwick County, Kansas. Generally located south of Grand approximately 200 feet west of Clifton (3205 E. Grand).

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 December 6, 2001, 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 permit ancillary parking on 0.85 acres zoned "TF-3" Two-Family Residential described as:

The South 140.00 feet of the North 276.53 feet of the East 80.00 feet of Lot 1, Replat of Part of Pineridge Addition to Wichita, Sedgwick County, Kansas; together with the North 136.53 feet of the East 192.00 feet of Lot 1, Replat of Part of Pineridge Addition, Wichita, Sedgwick County, Kansas. Generally located south of Grand approximately 200 feet west of Clifton (3205 E. Grand).

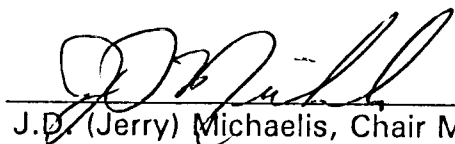
subject to the following conditions:

1. The Conditional Use shall be developed in general conformance with the site plan attached hereto. Any substantial change in the site plan shall require an amendment to this Conditional Use.
2. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC"), all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC.

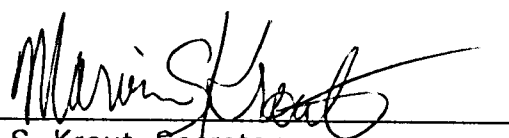
3. The parking area shall comply with all buffering requirements of the Landscape Ordinance of the City of Wichita, except that the required shrubs may be replaced with additional shade or ornamental trees planted at a rate of one shade tree or two ornamental trees for every ten shrubs, and no evergreen trees shall be required. A full landscape plan in general conformance with the landscape concept plan attached hereto shall be submitted for review and approval by the Planning Director prior to issuance of a building permit.
4. A screening fence per the requirements of Sec. IV-B of the UZC or a wrought iron fence of no less than six or more than eight feet in height shall be provided along the southern and western edge of the ancillary parking lot, except that no fencing shall be required for the 140 feet extending south from Grand on the western edge of the lot since this is the portion in continuing use by All Saints Catholic Parish School.
5. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
6. Any violation of these conditions shall render this Conditional Use null and void.

Adopted this 6th day of December, 2001. 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

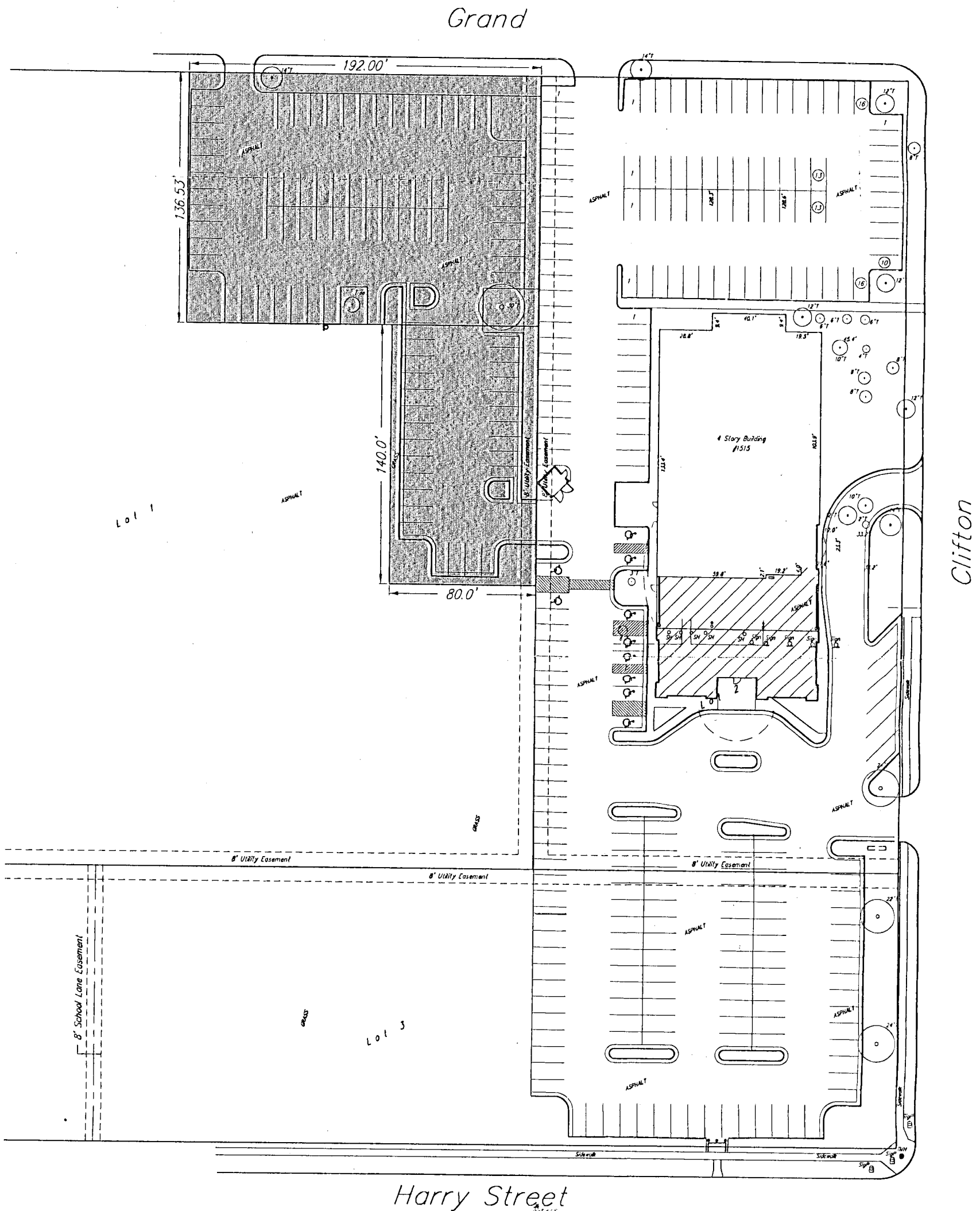

J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

VIA CHRISTI/ST. JOSEPH

CONDITIONAL USE



SITE PLAN

DESIGNED BY D.S. 12/31/01



ANCILLARY PARKING AREA



SCALE: 1" = 60'

SITE PLAN

STAFF REPORT

MAPC December 6, 2001

CASE NUMBER: CON2001-00058

APPLICANT/AGENT: Via Christi Property Services, Inc. c/o David M. Mohr, President, Catholic Diocese of Wichita (owner); Baughman Company, P.A. c/o Russ Ewy (agent)

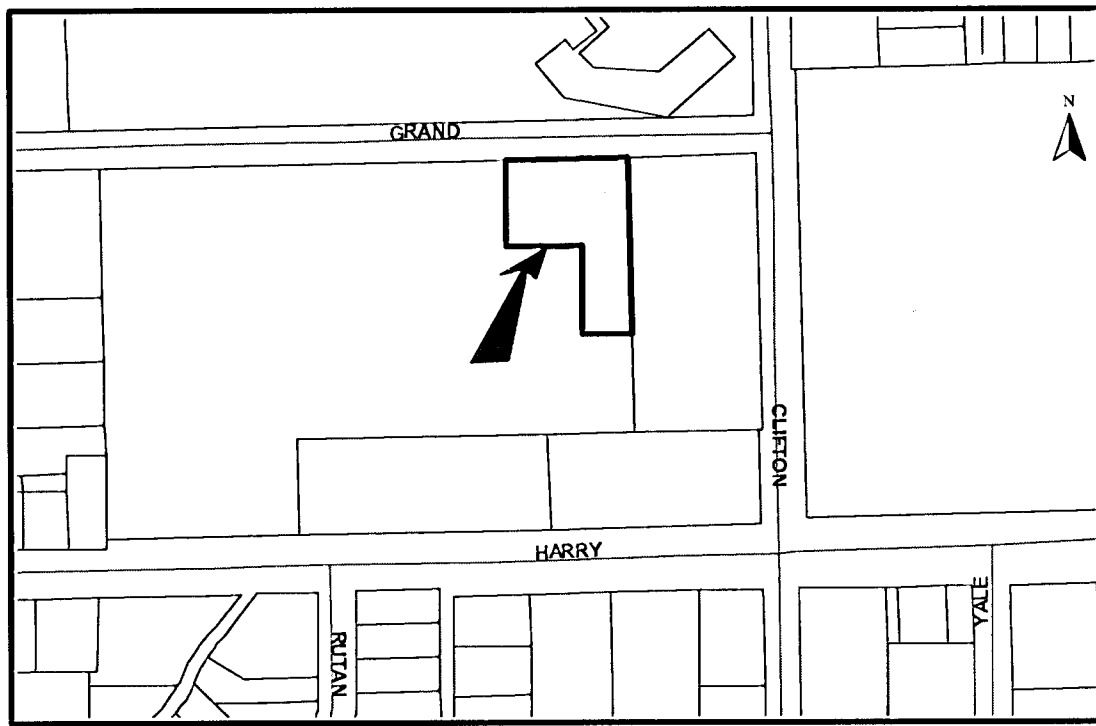
REQUEST: Conditional Use for ancillary parking

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

SITE SIZE: 0.85 acres

LOCATION: South of Grand approximately 200 feet west of Clifton (3205 E. Grand)

PROPOSED USE: Ancillary parking for adjoining medical office building



BACKGROUND: The applicants are requesting a "Conditional Use" to allow ancillary parking on property zoned "TF-3" Two-Family. The site is located on the south side of Grand approximately 200 feet west of Clifton Avenue. It would provide parking for the adjoining medical office building located along Clifton Avenue, the Clifton Medical Center. Additional parking is needed because of a planned four-story expansion of the Clifton Medical Center.

The northern half of the application area is an existing parking lot with 61 spaces. The Catholic Diocese on behalf of All Saints Catholic Parish Elementary School owns the lot, but Via Christi has a long-term lease for use of a portion of school's parking lot. If this application were approved, the lot would continue to be used by both the school and the medical office patrons. The school also has access to a large parking lot between it and the church. Via Christi has its own parking lot along Clifton that provides the majority of its parking requirements.

In addition, Via Christi has acquired a 140' x 80' tract for expanding the parking lot to the south. The new portion would have approximately 27 spaces and would be for the exclusive use of the medical center patrons. To compensate for the school's loss of playground space, Via Christi has transferred a commensurate tract along Harry to the school.

The site plan shows the proposed parking lot layout of these parking facilities. The ancillary parking located on the "TF-3" property has one direct exit onto Grand and one connection with the parking lot on the medical office center's site.

A preliminary landscape plan proposes a landscape buffer between the school site and the parking lot as required by the Landscape Ordinance but with a substitution of additional shade and ornamental trees for coniferous trees and shrubs. A wrought iron fence would be installed along most of the southern and western edge of the parking lot. The applicants have requested this type of separation between the ancillary parking lot and the school site. They feel the wrought iron fence edged with shade and ornamental trees provides an attractively screened but secure boundary between the two uses.

The surrounding land use consists entirely of office or institutional uses. As previously mentioned, medical offices adjoin the ancillary parking lot to the east. Via Christi St. Joseph Campus is located across Clifton from these offices. More medical offices are located on the north side of Grand, as well as a hotel for visitors to the hospital to the northwest. All Saints Parish School, the church and a daycare facility are located to the south and east.

CASE HISTORY: The property was platted September 8, 1964 as Replat of Part of Pineridge Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	"B"	Medical offices
SOUTH:	"TF-3"	School, playground
EAST:	"LC"	Medical offices, hospital

WEST: "SF-5"

School, church, daycare

PUBLIC SERVICES: Normal municipal water and sewer services are available. Transportation access is via Grand to Hillside or Clifton.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject tract as "institutional". The adjoining tract is designated as "high density residential", and is in medical office use, which is a permitted use in the "high density residential" zoning district of "B" Multi-Family District. However, this property is zoned "LC" Limited Commercial and could be converted to more intensive uses than would be recommended by the "high density residential" land use category.

RECOMMENDATION: Based on the information available prior to the public hearing, Staff recommends that the request be APPROVED subject to the following conditions:

1. The Conditional Use shall be developed in general conformance with the site plan attached hereto. Any substantial change in the site plan shall require an amendment to this Conditional Use.
2. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC"), all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC.
3. The parking area shall comply with all buffering requirements of the Landscape Ordinance of the City of Wichita, except that the required shrubs may be replaced with additional shade or ornamental trees planted at a rate of one shade tree or two ornamental trees for every ten shrubs, and no evergreen trees shall be required. A full landscape plan in general conformance with the landscape concept plan attached hereto shall be submitted for review and approval by the Planning Director prior to issuance of a building permit.
4. A screening fence per the requirements of Sec. IV-B of the UZC or a wrought iron fence of no less than six or more than eight feet in height shall be provided along the southern and western edge of the ancillary parking lot, except that no fencing shall be required for the 140 feet extending south from Grand on the western edge of the lot since this is the portion in continuing use by All Saints Catholic Parish School.
5. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
6. Any violation of these conditions shall render this Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The ancillary parking lot is

zoned "TF-3" Two-Family Residential, which requires a Conditional Use when the adjoining use (medical office) and zoning ("LC" Limited Commercial) is more intensive than that allowed on the "TF-3" property. The proposed ancillary parking lot divides the office/hospital uses to the east and north from the institutional uses (the school, church, and daycare) to the south and east.

2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used for parking and playground for All Saints Catholic Parish School.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed ancillary parking lot is part of land swap and lease arrangement between Via Christi Property Services and All Saints. It gives the medical offices needed parking, while the land from Via Christi provides replacement parking and playground space for the school. The proposed fencing and landscaping is a modification of normal screening and landscaping requirements, with a tradeoff of additional shade and ornamental trees that is coupled with a wrought iron fence instead of the use of shrubs and coniferous trees as part of the buffer. The proposed plan has been reviewed and recommended by both parties, which indicates that those parties that would be most affected by the ancillary parking Conditional Use are in agreement with the proposed use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: Parking in conjunction with an institutional use, such as the school, would be a permitted use per the Unified Zoning Code and would be in conformance with the *Comprehensive Plan*. However, its use in conjunction with an office use is a slight increase in land use intensity. The *Comprehensive Plan* designates the adjoining parcel currently in office use as "high density residential". Its use for medical office is in conformance, but many permitted uses in the "LC" district would be of greater intensity than recommended by the *Comprehensive Plan*.
5. Length of the time property has remained vacant as zoned: The property is currently occupied by parking lot for the school and by playground space.
6. Impact of the proposed development on community facilities: The proposed development might generate a small traffic increase in traffic due to the addition of 27 parking spaces. Access is limited to one point on Grand, with the other two exits from the parking lot being via the current exits of the parking lot to the east. The proposed use should not exert any significant increase on other facilities.