

RESOLUTION No. 0 1 4 8 ) - This NOV. 20 2001

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW PARKING, ANCILLARY ON PROPERTY ZONED "SF-5" SINGLE-FAMILY RESIDENTIAL, LOCATED 200 FEET SOUTH OF 29<sup>TH</sup> STREET NORTH APPROXIMATELY 850 FEET EAST OF AMIDON IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

**SECTION 1.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to permit parking, ancillary on property zoned "SF-5" Single-Family Residential legally described below:

**Case No. CON2001-00052**

A Conditional Use Permit to permit parking, ancillary on property zoned "SF-5" Single-Family Residential described as:

The south 100 feet of Lot 3, on 29th Street, Gilders Court, Sedgwick County, Kansas. Generally located 200 feet south of 29<sup>th</sup> Street North approximately 850 feet east of Amidon.

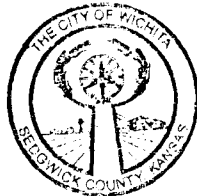
SUBJECT TO THE FOLLOWING CONDITIONS:

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, and all buffering requirements of the Landscape Ordinance of the City of Wichita. As stipulated in Sec. III-D.6.p of the UZC, the parking lot shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, or the storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Lighting poles and fixtures shall not exceed 14 feet in height.
4. A landscape plan shall be submitted for review and approval by the Planning Director prior to issuance of a building permit.
5. No ancillary parking shall be permitted after 10:00 p.m.
6. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
7. Any violation of these conditions shall render this Conditional Use null and void.

**SECTION 2.** That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION 3.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date  
NOV 20 2001



*[Handwritten signature of Bob Knight]*

Bob Knight, Mayor

ATTEST:

*[Handwritten signature of Pat Burnett]*

Pat Burnett, City Clerk

Approved as to form:

*[Handwritten signature of Gary E. Rebenstorf]*

Gary E. Rebenstorf, City Attorney

# AMIDON 850

29 TH ST NORTH

1511

REQUEST FOR PARKING CONDITIONAL USE S. 100' x 154.25' CONDITIONAL USE

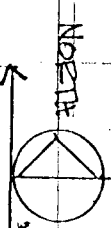
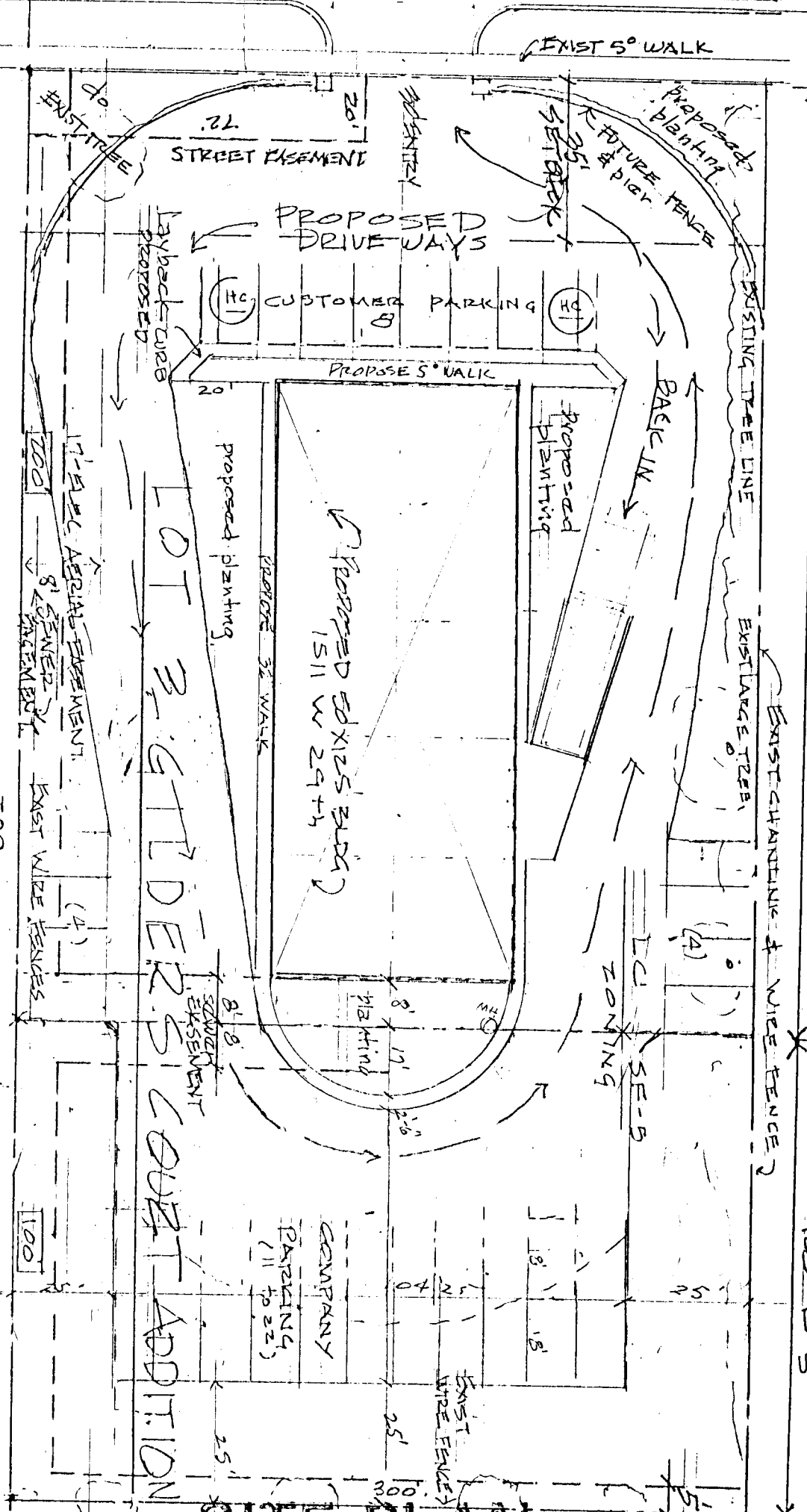
TITLE: COMPANY OFFICES & SALES BUILDING FOR THE RINAL GUARD WINDOWS/DOORS

ADDRESS: 1511 W. 29TH ST. N.

DATE: 8/31/2001

APPLICANT: WILBUR F. AND MARY T. KRUSE 1641 W. WENZEL WAYS.

PREPARED BY: WILBUR F. KRUSE ARCHITECT



SCALE 1"=300'

200'-0" LC

CONDITIONAL USE

100'-0'-5

LOT DESCRIPTION: UNIMPROVED, WITH PROPERTY LINE TREES EXISTING & MOWED GRASS

EXISTING EAST, SOUTH & WEST (PARTIAL) IS FENCED,

NORTH 200' IS ZONED LC SOUTH 100'-12-5

# SITE PLAN

APPROVED 11/28/01 BY 265

CON 2001-00052 DATED APPROVED MAPC 10/11/01

MAPD COPY 1 of 2

**REVISED COPY**

AGENDA ITEM NO. \_\_\_\_\_



**STAFF REPORT**

MAPC November 9, 2000

DAB #6 November 6, 2000

CASE NUMBER: CON2001-00052

APPLICANT/AGENT: Wilbur Ferdinand Kruse and Mary Teresa Kruse, Trustees, Wilbur Ferdinand Kruse Revocable Trust (owner); Thermal Gard, c/o Doran Wulf, President (contract purchaser)

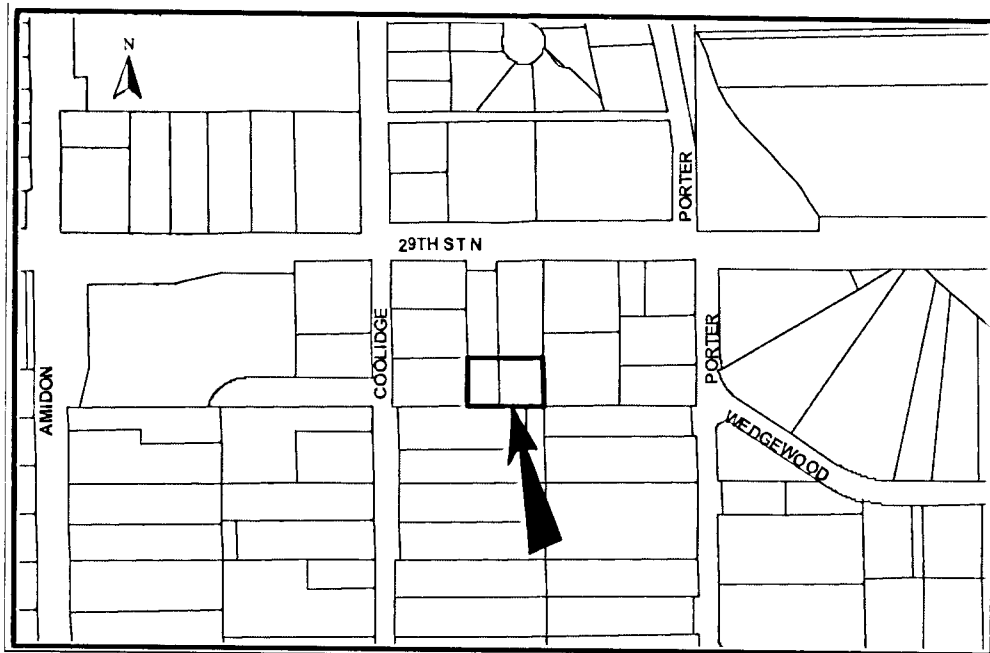
REQUEST: Conditional Use to allow parking, ancillary

CURRENT ZONING: "SF-5" Single-family

SITE SIZE: Approximately 0.35 acre

LOCATION: 200 feet south of 29<sup>th</sup> Street North approximately 850 feet east of Amidon (1511 West 29<sup>th</sup> Street North)

PROPOSED USE: Additional parking for new commercial building



**REVISED COPY**

**BACKGROUND:** The applicants are requesting a “Conditional Use” to allow additional off-street parking on property zoned “SF-5” Single-family located on the southern 100 feet of Lot 3, Gilder’s Court. The lot is located on the south side of 29<sup>th</sup> Street North between Coolidge and Porter, approximately 850 feet east of Amidon. The northern 200 feet of Lot 3 is zoned “LC” Limited Commercial and is the proposed site for a new commercial building for a window and door showroom and office facility.

The site plan shows Lot 3 being developed as a single lot. Parking for customers would be located on the “LC” portion of the lot near 29<sup>th</sup> Street North and parking for employees would be located on rear of the lot zoned “SF-5”. The site plan includes sufficient parking to meet the Unified Zoning Code parking requirements. The loading dock is on the east side of the building, within the “LC” portion of the lot. An ample setback of 25 feet is shown around the southern portion of the lot where the property adjoins the “SF-5” property. The screening fence and landscape buffer can be located in this setback.

The surrounding land along 29<sup>th</sup> Street North is primarily developed with commercial uses between Coolidge and Porter. These include the Rental Ranch, an old Farha grocery store currently occupied by Lowry Electric and Thermal Gard, and a small strip center with a laundromat on the north side of 29<sup>th</sup>. On the south side, Security Self-Storage (self-service warehouse) occupies most of the block between Amidon and Coolidge. There are still two houses located on the south side of 29<sup>th</sup>. The Maids uses a converted house/building on the southeast corner of Coolidge and 29<sup>th</sup>. An old commercial building is located on the southwest corner of Porter and 29<sup>th</sup>. It has been vacant until recently but appears to be occupied by an upholstery shop. Servicemaster, a business service type of use, is located on the southeast corner of Porter and 29<sup>th</sup>.

**CASE HISTORY:** The property was platted as Lot 3, Gilder’s Court on February 5, 1927.

By 1938 the aerial photograph documents that most of the lots were developed with houses on one-half acre to one-acre lots, including the subject tract. In 1976, the subject tract was lot split (L/S-0259) to make a second lot fronting onto 29<sup>th</sup> Street North. The eastern half of Lot 3 was occupied with a residence from the 1930s until sometime in the 1980s. The western half created by L/S-0259 has remained vacant until the present.

Commercial uses were developed along 29<sup>th</sup> Street North sometime during the 1950s, but the property was not annexed until the 1960s. The subject tract was zoned “LC” Light Commercial, along with the rest of the south side of 29<sup>th</sup> Street North and the western half of the north side of the block. The Rental Ranch and perhaps other uses along 29<sup>th</sup> would require “GC” zoning rather than “LC”, and may be non-conforming, depending on when the uses were established. The eastern half on the north side was zoned “GC”.

**ADJACENT ZONING AND LAND USE:**

NORTH: “LC”; “SF-5” Contractor’s offices, business services,

SOUTH:	"SF-5"; "TF-3"	equipment rental, laundromat, upholstery shop, residences and vacant space
EAST:	"SF-5"	Residences
WEST:	"SF-5"	Residences

**PUBLIC SERVICES:** Normal municipal water and sewer services are available. 29<sup>th</sup> Street North is a three-lane arterial street. Traffic volumes for 2001 at 29<sup>th</sup> and Amidon were 7,077 ADTs (average daily traffic). This is projected to increase modestly to 7,645 by 2030. The site plan shows one entrance onto 29<sup>th</sup>. The drive entrance is already installed.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject tract (the southern 100 feet of Lot 3 for "low-density residential", but shows the northern 200 feet for "commercial").

**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, and all buffering requirements of the Landscape Ordinance of the City of Wichita. As stipulated in Sec. III-D.6.p of the UZC, the parking lot shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, or the storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. A landscape plan shall be submitted for review and approval by the Planning Director prior to issuance of a building permit.
4. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
5. 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 land along 29<sup>th</sup> Street North is occupied by commercial uses of similar intensity to that proposed for the subject tract (window and door showroom and office facility). Other uses along 29<sup>th</sup>

include equipment rental, self-service warehouse (zoned "B" Multi-family), business services, the existing business facility for the proposed user, contractor's business, laundromat, upholstery shop, and vacant retail space, as well as several residences. Most of this property is zoned "LC" Limited Commercial, although some of the commercial uses in the area are zoned "GC", some of the uses may be non-conforming. The areas farther to the north, east, south, and west of the requested Conditional Use are zoned "SF-5" (with a scattered "TF-3" lots) and are developed with residential uses. The character of the residential neighborhoods is of long, deep lots with large yards to the rear of the houses. The ancillary parking lot would abut two of these rear yards.

2. The suitability of the subject property for the uses to which it has been restricted: It is unlikely that the subject property (southern 100 feet of Lot 3, Gilder's Court Addition) would be used for single-family use because its only access is to 29<sup>th</sup> Street North across the northern 200 feet of Lot 3 zoned for commercial use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the "Conditional Use" would allow commercial parking within 25 feet of the adjoining residential lots to the east, west and south.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change in zoning classification supports investment in the northern portion of Lot 3, which is in conformance with the *Comprehensive Plan's* "commercial" designation for future land use on the Wichita Land Use Guide. The conditions of the Conditional Use mandate that the ancillary parking lot adhere to the site development and supplementary use requirements of the UZC and the landscaping requirements of the Landscape Ordinance.
5. Length of the time property has remained vacant as zoned: Lot 3 has been vacant since the residence was removed in the 1980s. Although the lot was split in 1976 with the intention to develop the western half with commercial use, it has remained vacant also.
6. Impact of the proposed development on community facilities: The proposed development would generate a small amount of traffic. Access is limited to one point of access on an existing drive entrance. Other normal utility services are available and the proposed use should not exert any significant increase on these facilities.