CONDITIONAL USE RESOLUTION NO. CU-535 (A) and CU -535 (B)

WHEREAS, Riverfront Properties (Owner), c/o Fran Jabara (Agent); City of Wichita (Owner), c/o Allen Eichacker; BG Products, Inc. (Purchaser), c/o Galen Myers (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 to allow ancillary parking on (A) .6 acres; (B) .11 acres zoned "B" Multi-Family described as:

> **CU-535 (A)** - Lot 8, EXCEPT the West 30 feet and EXCEPT CC A-76055, Greenbay Addition to the City of Wichita, Sedgwick county, Kansas together with Lot 2, EXCEPT the East 10 feet for road, Fechheimer's Addition to wichita, Sedgwick County Kansas. **CU-535 (B)** - Lots 20 and 22, EXCEPT the East 10 feet, Water Street, Fechheimer's Addition to Wichita, Sedgwick County, Kansas. Generally located north of Orme Street, west of Water Street and south of Kellogg.

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 August 26, 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 ancillary parking on (A) .6 acres; (B) .11 acres zoned "B" Multi-Family described as

> **CU-535 (A)** - Lot 8, EXCEPT the West 30 feet and EXCEPT CC A-76055, Greenbay Addition to the City of Wichita, Sedgwick county, Kansas together with Lot 2, EXCEPT the East 10 feet for road, Fechheimer's Addition to wichita, Sedgwick County Kansas. **CU-535 (B)** - Lots 20 and 22, EXCEPT the East 10 feet, Water Street, Fechheimer's Addition to Wichita, Sedgwick County, Kansas. Generally located north of Orme Street, west of Water Street and south of Kellogg.

subject to the following conditions:

A. The site shall be developed in general conformance with the approved site plan attached to and made part of this resolution, and with the standards listed in Section III-D.6.p of the Unified Zoning Code

B. The applicant shall submit an application for an Administrative Zoning Adjustment to allow parking within the 20-foot front yard setback, but no closer than eight (8) feet from the front property line. This must be approved prior to issuance of any permits.

C. The applicant shall submit an application to vacate the entire length of the 10-foot-wide ally right-of-way north of Orme Street, or obtain a Minor Street Privilege for the "temporary" use of the alley. This must be approved prior to issuance of any permits. Upon approval, the site shall be developed in conformance with the submitted site plan.

D. In the event that the vacation is not approved, the applicant shall be required to dedicate additional contingent alley right-of-way by separate instrument to meet the City's 20-foot standard alley width requirement along the portion of the alley under the applicant's ownership and a contingent right-of-way along the north property line of Lot 2, Flechheimer's Addition for return access to Water Street.

E. Any violation of the conditions approved as part of this request shall render the Conditional Use null and void.

Adopted this 26th day of August, 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

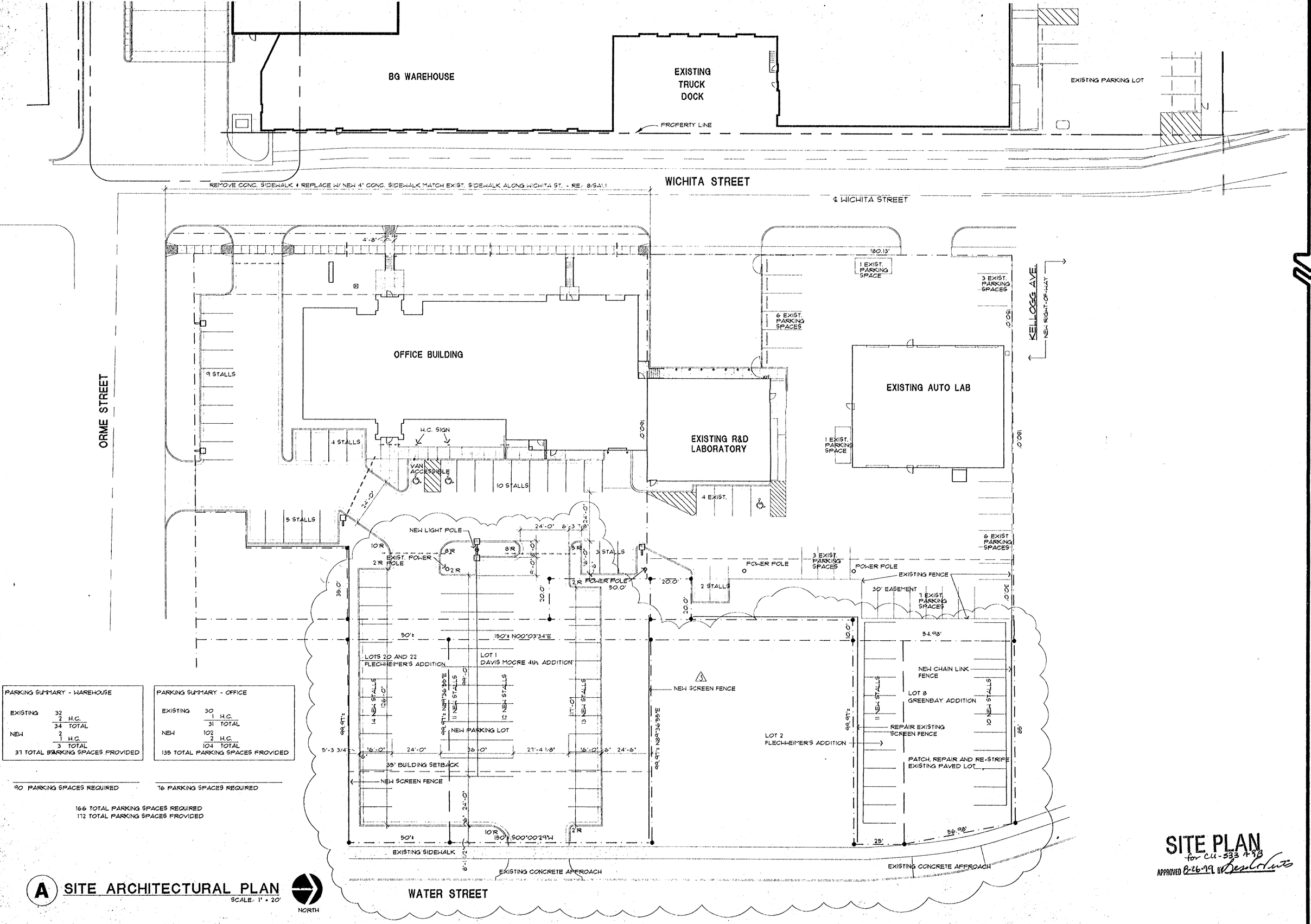
Frank Garofalo

Frank Garofalo, Vice Chair

ATTEST:

Marvin S. Krout

Marvin S. Krout, Secretary



PARKING SUMMARY - WAREHOUSE		
EXISTING	32	
	2	H.C.
	34	TOTAL
NEW	2	
	1	H.C.
	3	TOTAL
37 TOTAL PARKING SPACES PROVIDED		

PARKING SUMMARY - OFFICE		
EXISTING	30	
	1	H.C.
	31	TOTAL
NEW	102	
	2	H.C.
	104	TOTAL
135 TOTAL PARKING SPACES PROVIDED		

90 PARKING SPACES REQUIRED

76 PARKING SPACES REQUIRED

166 TOTAL PARKING SPACES REQUIRED
172 TOTAL PARKING SPACES PROVIDED

A SITE ARCHITECTURAL PLAN
SCALE: 1" = 20'
NORTH

SITE PLAN
for CU-533 A-93
APPROVED 8-26-99 BY [signature]

7-8-99
REVISIONS
3 PARKING ADDITION

PRINTS ISSUED

DATE

JEFFKREHBIEL ASSOCIATES
ARCHITECTURE
1300 E. LEWIS WICHITA, KS 67211
316-267-6233 FAX 316-267-6666

BG PRODUCTS
701 S. WICHITA ST.
WICHITA, KANSAS

PROJECT NUMBER
96088-3
SHEET TITLE
SITE PLAN

SHEET NUMBER
SA1.1
OF SHEETS

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT

CPO (1) August 23, 1999
MAPC August 26, 1999

CASE NUMBER: CU-535 (A) & (B)

APPLICANT/AGENT: Riverfront Properties (Owner), c/o Fran Jabara (Agent); City of Wichita (Owner), c/o Allen Eichacker; BG Products, Inc. (Purchaser), c/o Galen Myers (Agent)

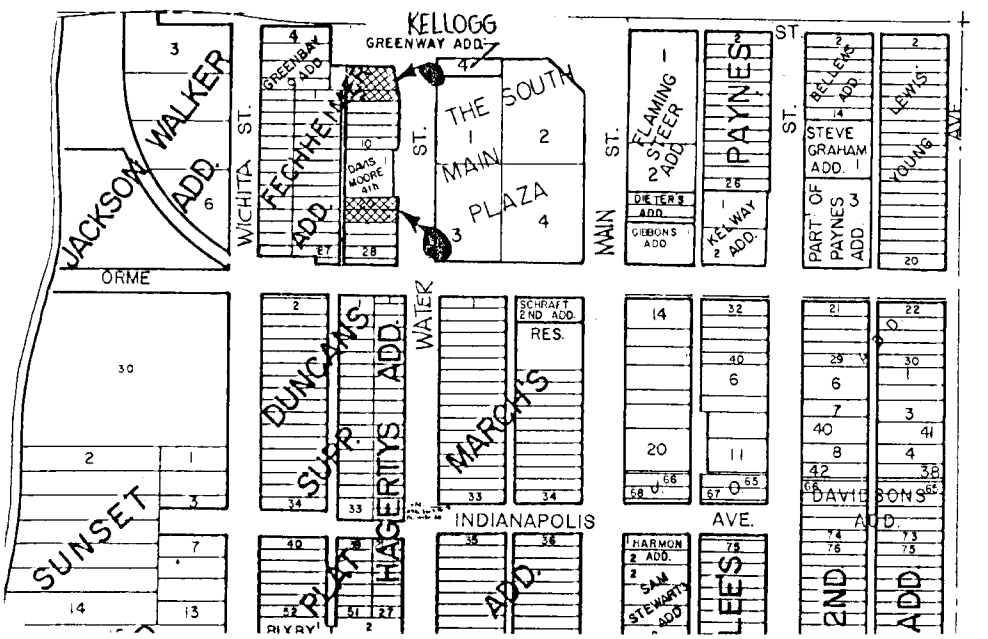
REQUEST: Conditional Use to allow ancillary parking

CURRENT ZONING: "B" Multi-Family

SITE SIZE: (A) .6 acres; (B) .11 acres

LOCATION: North of Orme Street, west of Water Street and south of Kellogg.

PROPOSED USE: Parking lots for BG Products, Inc.



BACKGROUND: The applicant is requesting a Conditional Use to permit off-street parking on property zoned "B" Multi-family Residential. The application is for two (2) separate properties, both located west of Water Street, north of Orme Street, and south of Kellogg (US54). The applicant, BG Products, Inc., is expanding its office and manufacturing facilities, west of the subject areas, and requires additional off-street parking to meet Zoning Regulations.

Both of the subject properties are bordered to the south by single-family residences zoned "B" Multi-Family. On the east, both properties are bordered by Cambridge Suites on property zoned "LC" Limited Commercial. Kellogg (US54) borders the northern most subject property on the north and vacant land, zoned "GC" General Commercial, borders the southern most subject property on its north. To the west of both subject properties is BG Products on property zoned "LI" Limited Industrial.

The applicant has provided a site plan for the development of the parking areas. There is a 10-foot alley right-of-way along the rear property line of the south parking area that will be made inaccessible for property owners to the north by the development of this parking area as shown on the submitted site plan. However, the owners to the north apparently have not utilized this right-of-way for access purposes. The applicant should preferably pursue vacation of all of the alley right of way north of Orme Street. Alternatively, the applicant may be able to obtain a Minor Street Privilege and lease this right of way from the City of Wichita for the intended use. In this case, the applicant would also be required to dedicate additional contingent right-of-way along the portion of the alley that is under the applicant's ownership to meet the City standard of 20 feet. Additionally, the applicant would be required to dedicate 20 feet of return access contingent right-of-way to Water Street along the north boundary of Lot 2, Flechheimer's Addition.

Both site plans show an 8-foot front setback along Water Street for both parking areas. The Unified Zoning Code (Code) states that "Off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front setback [20 feet in "B" District]...;" however, the Code does allow for an Administrative Zoning Adjustment which will "[permit] parking in residential districts to be located within a required front yard, but in no case closer to a front property line than eight feet." The applicant will be required to apply for said Administrative Zoning Adjustment.

Solid screening, either by 6-foot solid wood fence or masonry wall, shall be provided in conformance with the Unified Zoning Code on all property lines that are adjacent to residentially zoned property. Staff is currently working with the applicant regarding a landscape plan to provide appropriate screening of the parking area from Water Street and the surrounding residential uses. The solid screening fence and appropriate landscaping should provide for adequate screening from the north, east, and south.

CASE HISTORY: The subject properties occupy lots in the Greenbay Addition, which was platted October 17, 1929, and the Fechheimer's Addition, platted February 3, 1887.

ADJACENT ZONING AND LAND USE:

(A)		(B)	
NORTH:	Kellogg (US54)	NORTH:	"GC" – Single-Family Res.
SOUTH:	"B" – Single-Family Res.	SOUTH:	"B" – Single-Family Res.
EAST:	"LC" – BG Products	EAST:	"LC" – BG Products
WEST:	"LI" – Cambridge Suites	WEST:	"LI" – Cambridge Suites

PUBLIC SERVICES: Municipal water and sewer service is available to these sites. Water Street, a local street, provides access to these sites, but no traffic volumes are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as transitional between Commercial, Industrial, and Low Density Residential. The commercial locational guidelines of the Comprehensive Plan recommend that commercial uses should be located in compact clusters versus extended strip developments, except for areas and streets where these uses already exist or where traffic patterns, surrounding land uses, and utilities can support such uses. The Plan also recommends that commercial development should have site design features that limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas. The MAPC has an unofficial policy of supporting the expansion of existing businesses when appropriate.

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

A. Development of the parking lots shall comply with the submitted site plan and with the standards listed in Section III-D.6.p of the Unified Zoning Code.

B. The applicant shall submit an application for an Administrative Zoning Adjustment to allow parking within the 20-foot front yard setback, but no closer than eight (8) feet from the front property line. This must be approved prior to issuance of any permits.

C. The applicant shall submit an application to vacate the entire length of the 10-foot-wide ally right-of-way north of Orme Street, or obtain a Minor Street Privilege for the "temporary" use of the alley. This must be approved prior to issuance of any permits. Upon approval, the site shall be developed in conformance with the submitted site plan.

D. In the event that the vacation is not approved, the applicant shall be required to dedicate additional contingent alley right-of-way by separate instrument to meet the City's 20-foot standard alley width requirement along the portion of the alley under the applicant's ownership and a contingent right-of-way along the north property line of Lot 2, Flechheimer's Addition for return access to Water Street.

E. Any violation of the conditions approved as part of this request shall render the Conditional Use null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area surrounding these properties is transitional in nature. This use, although mixed with existing residential homes, provides a relatively low-impact transition from manufacturing uses to low-density residential uses. The required landscaping along Water Street and the solid fencing should help to minimize the impact on the surrounding residential uses.

2. Suitability of the subject property for the uses to which it has already been restricted: The site is currently zoned "B" Multi-Family and could remain as such; however, the neighborhood has commercial uses to the east, industrial uses to the west, and Kellogg Highway to the north. These existing uses make this property less desirable for residential uses.

3. Conformance of the requested change to adopted or recognized Plans/Policies: The Comprehensive Plan recognizes this area as a transition region and would support commercial uses. The MAPC has an unofficial policy of supporting the expansion of existing businesses when appropriate.

4. Impact of the proposed development on community facilities: The proposed parking areas will not require municipal sewer and water service. Water Street is a paved street, which will be minimally impacted by the increase in traffic.