CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2009

Alamo Apartments, LLC
2732 East Harry
Wichita, KS 67211

RE: **CON2009-00028** - City Conditional Use to permit ancillary parking on TF-3 Two-Family Residential zoning at 120 South Estelle Street (east of Estelle St. and south of Douglas Ave.)

Dear Ladies and Gentlemen:

At its regular meeting on **November 5, 2009**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Donna Goltry, A.I.C.P
Principal Planner
Current Plans Division

DJG:mc

Copies to: Paul Adams, 1861 North Rock Road, Wichita, KS 67226
College Hill, Celia Gorlich, 402 S. Crestway St., Wichita, KS 67208
East Front, Tom Fox, 250 S. Erie St., Wichita, KS 67211
New Salem, Sharri Burke, 2027 E Wassall St, Wichita, KS 67216-2147
Sunnyside, Shannon Palmer, 807 S Chautauqua, Wichita, KS 67211
Uptown, Leslie Harvey, 146 N Poplar, Wichita, KS 67214
WCC I, Lavonta Williams, Mail Stop 1-13

CONDITIONAL USE RESOLUTION NO. CON2009-00028

WHEREAS, Alamo Apartments, LLC, (/Owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for Parking Area, Ancillary on 0.15 acres zoned TF-3 Two-Family Residential ("TF-3") described as:

> Lots 2 and 4, on Estelle Avenue in Oliver's Subdivision of Lots 1 and 2, Block 1, in Richland's Addition to Wichita, Sedgwick County, Kansas, generally located east of Estelle Avenue and south of Douglas Avenue (120 S. Estelle).

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 November 5, 2009, 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 allow a Conditional Use for Parking Area, Ancillary on 0.15 acres zoned TF-3 Two-Family Residential ("TF-3") described as:

> Lots 2 and 4, on Estelle Avenue in Oliver's Subdivision of Lots 1 and 2, Block 1, in Richland's Addition to Wichita, Sedgwick County, Kansas, generally located east of Estelle Avenue and south of Douglas Avenue (120 S. Estelle).

Approved subject to the following conditions:

1. The Conditional Use permits "parking, ancillary" of passenger vehicles only and shall not be used for parking or storage of commercial vehicles; in no case shall it be used for sales, repair work, or the storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

2. The ancillary parking area shall be developed and operated in conformance with the requirements of Article III, Section D.6.p of the UZC, except as noted in the conditions of approval.

3. The Conditional Use shall be developed in general conformance with the approved site plan.

4. Screening consistent with Unified Zoning Code standards shall be located on the south property line.

5. Lighting standards in the ancillary parking lot shall be shielded downward and away from the surrounding property, and meet all lighting requirements of the UZC (Sec. IV-B.4), but with a maximum height of poles and fixtures of 15 feet.

6. Landscaping shall be as required by the Landscape Ordinance and shall be installed within a year of final action by the governing body and maintained per a landscape plan approved by the Planning Director or his designee prior to the issuance of a building permit but no later than 180

days after approval of the Conditional Use. The landscape plan shall specify the plant materials and method of irrigation in conformance with the requirements of the Landscape Ordinance.

7. The parking lot shall be paved and properly striped.

8. The applicants will maintain the property and keep it free of debris.

9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the UZC, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 5th Day of November 2009

METROPOLITAN AREA PLANNING COMMISSION

G. Nelson Van Fleet, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 17

STAFF REPORT

MAPC November 5, 2009
DAB I November 2, 2009

CASE NUMBER: CON2009-00028

APPLICANT/OWNER: Alamo Apartments, LLC (owner); Paul Adams (agent)

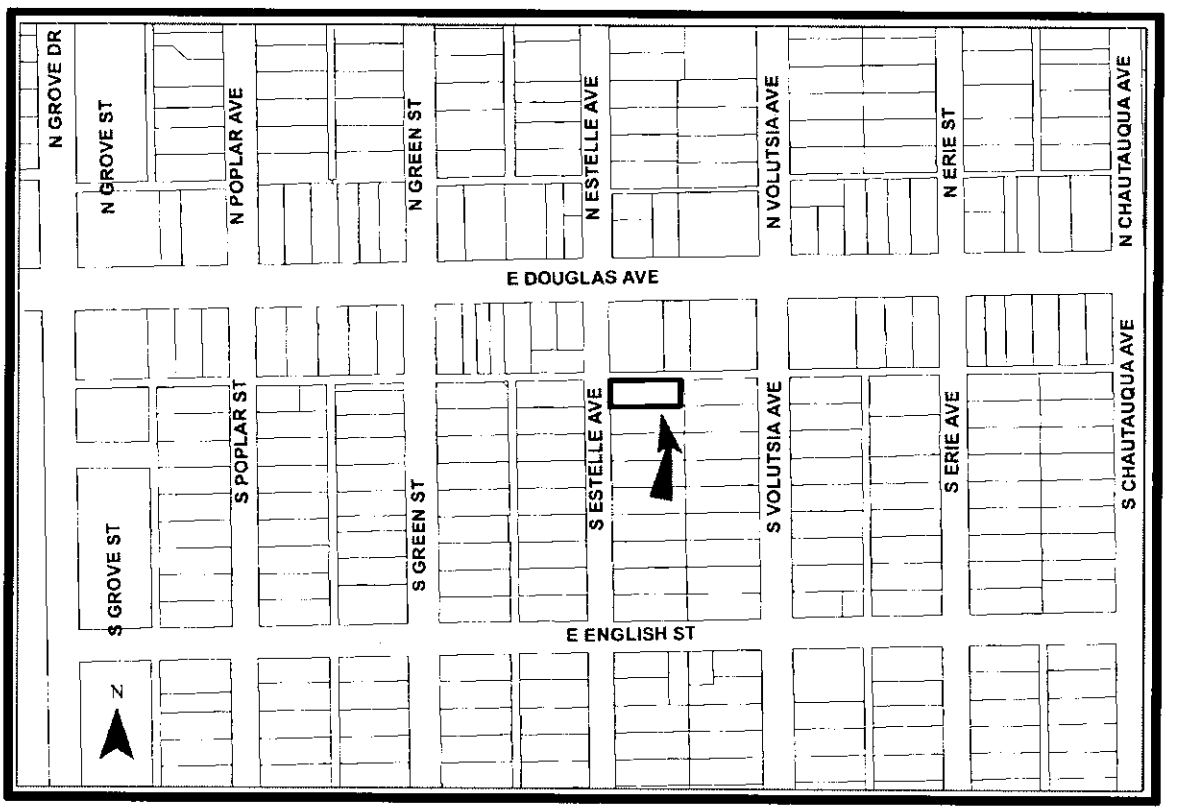
REQUEST: City Conditional Use to permit Parking Area, Ancillary

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

SITE SIZE: 0.15 acre

LOCATION: East of Estelle Avenue and south of Douglas Avenue (120 S. Estelle)

PROPOSED USE: Parking lot for contiguous apartment buildings



BACKGROUND: The applicant is requesting a City Conditional Use for Parking Area, Ancillary, on property zoned TF-3 Two-Family Residential ("TF-3"). The parking area will be for residents and guests at the contiguous Alamo Apartments north of the alley fronting onto Douglas Avenue. As is typical along the Douglas uptown area, the buildings have a narrow setback from Douglas and Estelle. A few parallel parking spaces provide some on-street parking for apartment residents, but it is insufficient to accommodate the parking needs of the residents of the 24 apartment units. The proposed ancillary lot will alleviate some of this gap by providing 14 parking stalls.

The site plan shows the cars using the paved alley as the means of ingress/egress. It designates an eight-foot wide area between the parking lot and Estelle Avenue for landscaping. This is the minimum width required for ancillary parking lots, coupled with an Administrative Adjustment to allow parking within the front setback. The site plan also shows the placement of trees and a screening fence to buffer the parking lot from the adjoining residence zoned TF-3 to the south.

The apartments generating the need for the parking spaces are located north of the alley on property zoned LC Limited Commercial ("LC") and fronting Douglas Avenue. Douglas Avenue between Grove Street and Hillside Avenue contains a vibrant mix of residential apartment buildings, small-scale specialty retail (e.g. music store, used clothing and antiques, a bookstore), personal services (laundromat, styling salons), some specialty business services, office uses, and a convenience store, a grocery store, a hardware store and restaurants. The commercial building next door is vacant but was occupied by a Montessori school for many years. The property south of the alley and located directly to the east of the site is zoned GO General Office ("GO") and is partially paved and was previously used as overflow parking and a play area for the Montessori school. The property located directly across Estelle Avenue to the west is zoned TF-3 and is a duplex. The rest of the property located to the south, east and west of the site is zoned TF-3 but occupied by single-family residences. The property is in the environs of the Stopher Apartments located approximately one and one-half block to the west.

CASE HISTORY: The property is platted as Lots 2 and 4, on Estelle Avenue, Oliver's Subdivision of Lots 1 and 2, Block 1, in Richland's Addition, recorded June 16, 1886.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Apartments, offices, retail, commercial
SOUTH:	TF-3	Single-family residential
EAST:	GO, TF-3	Parking area, single-family residential
WEST	TF-3	Duplex, single-family residential

PUBLIC SERVICES: The property has access to the paved 15-foot wide alley, then to Estelle Avenue or Volutsia Avenue, both local streets. Douglas Avenue one-fourth block to the north is a four-lane minor arterial street. In 2006, the traffic volume (Annual Average Daily Traffic "AADT") was 13,000 on Douglas at the intersection with Grove Street, tapering to 12,000 west of Hillside and 11,000 east of Hillside. Normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "urban residential." The proposed Conditional Use could be construed as being a residential-serving use since it is being developed to serve the contiguous apartment building, so long as the ancillary parking area incorporates screening, buffering and site development requirements that minimize its impact on nearby lower density residential uses. It follows the development pattern along Douglas where most of the buildings have zero-lot or shallow setbacks. Many uses have added a parking area contiguous to the alley to add needed parking. Approximately 40 percent of the property abutting the alleys is used in this manner.

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

1. The Conditional Use permits "parking, ancillary" of passenger vehicles only and shall not be used for parking or storage of commercial vehicles; in no case shall it be used for sales, repair work, or the storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

2. The ancillary parking area shall be developed and operated in conformance with the requirements of Article III, Section D.6.p of the UZC, except as noted in the conditions of approval.

3. The Conditional Use shall be developed in general conformance with the approved site plan.

4. Screening consistent with Unified Zoning Code standards shall be located on the south property line.

5. Lighting standards in the ancillary parking lot shall be shielded downward and away from the surrounding property, and meet all lighting requirements of the UZC (Sec. IV-B.4), but with a maximum height of poles and fixtures of 15 feet.

6. Landscaping shall be as required by the Landscape Ordinance and shall be installed within a year of final action by the governing body and maintained per a landscape plan approved by the Planning Director or his designee prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use. The landscape plan shall specify the plant materials and method of irrigation in conformance with the requirements of the Landscape Ordinance.

7. The parking lot shall be paved and properly striped.

8. The applicants will maintain the property and keep it free of debris.

9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies

set forth in the UZC, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

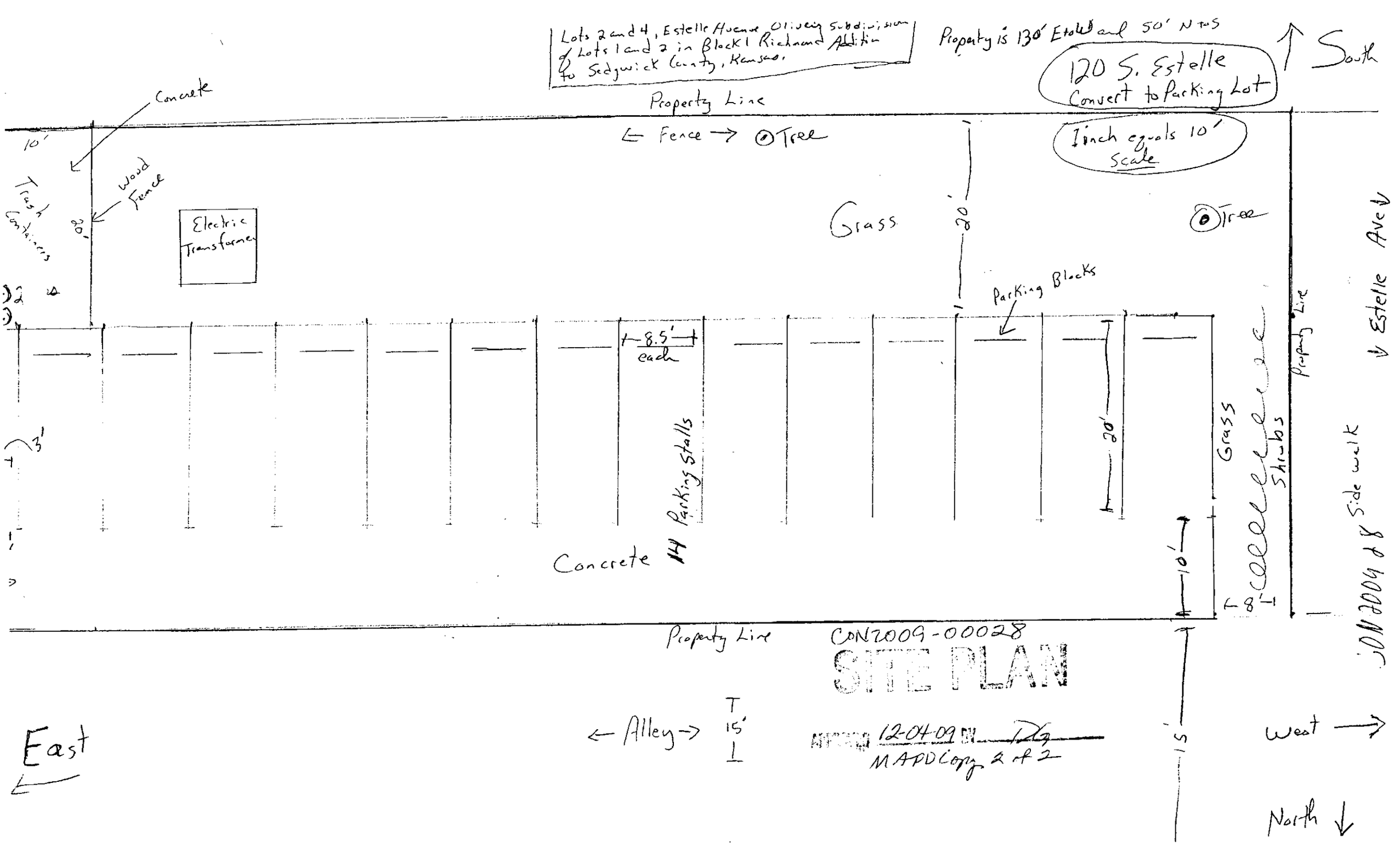
1. The zoning, uses and character of the neighborhood: The apartments generating the need for the parking spaces are located north of the alley on property zoned LC Limited Commercial ("LC") and fronting Douglas Avenue. Douglas Avenue between Grove Street and Hillside Avenue contains a vibrant mix of residential apartment buildings, small-scale specialty retail (e.g. music store, used clothing and antiques, a bookstore), personal services (laundromat, styling salons), some specialty business services, office uses, and a convenience store, a grocery store, a hardware store and restaurants. The commercial building next door is vacant but was occupied by a Montessori school for many years. The property south of the alley and located directly to the east of the site is zoned GO General Office ("GO") and is partially paved used to be used as overflow parking and a play area for the Montessori school. The property located directly across Estelle Avenue to the west is zoned TF-3 and is a duplex. The rest of the property located to the south, east and west of the site is zoned TF-3 but occupied by single-family residences. The property is in the environs of the Stopher Apartments located approximately one and one-half block to the west.

2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as a residential lot, which would effectively keep the separation between apartment use and low density residential use at the alley line. The existing residence is in need of substantial repairs.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The detrimental effects will be mitigated by the buffering and screening and landscaping but it will add a parking area within the visual area of the nearest residential neighbors.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "urban residential." The proposed Conditional Use could be construed as being a residential-serving use since it is being developed to serve the contiguous apartment building, so long as the ancillary parking area incorporates screening, buffering and site development requirements that minimize its impact on nearby lower density residential uses. It follows the development pattern along Douglas where most of the buildings have zero-lot or shallow setbacks. Many uses have added a parking area contiguous to the alley to add needed parking. Approximately 40 percent of the property abutting the alleys is used in this manner.

5. Impact of the proposed development on community facilities: The Conditional Use will not alter the impact on community facilities and may reduce on-street parking congestion in the neighborhood.


Lots 2 and 4, Estelle Avenue Olivers Subdivision of Lots 1 and 2 in Block 1 Richmond Addition to Sedgwick County, Kansas.
Property is 130' E to W and 50' N to S
120 S. Estelle
Convert to Parking Lot
South
1 inch equals 10' Scale
Property Line
Concrete
10'
Fence
Tree
Trash Containers
Wood Fence
Electric Transformer
Grass
20'
Parking Blocks
Tree
8.5' each
14 Parking stalls
20'
Grass
Shrubs
Property Line
Estelle Ave
10'
8'
3'
Concrete
Property Line
CON2009-00028
SITE PLAN
Alley
15'
East
West
North
12-04-09
MAPD Copy 2 of 2
JUN 2004 of 8' Side walk