CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 11, 2013

WG Enterprises
C/O Bill Farha
8100 E 22nd N - BLDG 1700-2
Wichita, KS 67226

Joan Aboud
115 N Glendale
Wichita, KS 67208-6702

RE: **CON2012-00044** - City Conditional Use request for Ancillary Parking on B Multi-Family Residential ("B") zoned property; generally located a block east of Oliver Avenue and northwest of the corner of Glendale and Douglas Avenues.

Dear Applicants:

At its regular meeting on **January 8, 2013**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request, subject to the following conditions:

(1)Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p.

(2)The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away all residential uses and zoning), and landscaping, per the Landscape Ordinance, along the north and east sides where the site is abutting or adjacent to residential uses and zoning.

(3)The site plan shall also show the off-site shared parking on Lot 19, Block 9, East Boulevard Addition and the applicant shall also provide a copy of the off-site shared parking agreement to Planning and the Office of Central Inspection. Solid screening shall be provided along the north side Lot 19, Block 9, East Boulevard Addition.

(4)A drainage plan shall be submitted for review and approval by Stormwater prior to the issuance of any paving permits for the parking lot.

(5)No outside speakers associated with a restaurant's outside sitting, on Lot 19, Block 8, East Boulevard Addition. The restaurant shall be no larger than 4,399-square foot -square feet and that shall include all storage, kitchen and bathroom areas.

(6)All trash receptacles or similar type of receptacles shall have 6-foot tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver Avenue side of the future parking.

(7)All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.

(8)Access onto the B zoned ancillary parking site from Glendale shall be ingress only. No exiting onto Glendale from the parking lot or any abutting properties. NOTE: Access/ingress to the parking lot will be from the abutting alley (REF: VAC2012-00044) and not directly into the ancillary parking lot, as shown on the approved site plan.

(9)The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

(10) 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division

Copies to: Poe & Associates, c/o Tim Austin, 5940 E Central Av., Ste. 200, Wichita, KS, 67208-6702
Crown Heights South HOA, c/o Pam Swedlund, 131 S Old Manor, Wichita, KS, 67218
College Hill NA HOA, Celia Gorlick, 402 S. Crestway, Wichita KS, 67218
Crown Heights North HOA, c/o Melinda Foley, 207 N Ridgewood Dr, Wichita, KS, 67208
Bill J. Ryan, 130 N. Glendale, Wichita, KS 67208
David D. and Erica M. Baker, 116 N. Glendale, Wichita, KS 67208
Adam Steiner, 440 S. Bluff, Wichita, KS 67218
Trae Staats, 3745 Circle Drive, Wichita, KS 67218
Sam Cantanese, 318 N. Oakwood, Wichita, KS 67208
Bill Hess, 329 N. Terrace, Wichita, KS 67218
Dr. Stanley Jones, 229 S. Bleckley, Wichita, KS 67208
Occupant, 718 N. Oakwood, Wichita, KS 67208
Occupant, 129 S. Dellrose, Wichita, KS 67218
Ray Adams, 137 N. Bleckley, Wichita, KS 67218
Kris and Jamie Kennedy, 133 N. Glendale, Wichita, KS 67208

Marilyn Hulnik, 116 N. Oliver, Wichita, KS 67208
Dale Allen, 120 N. Oliver, Wichita, KS 67208
Robert and Rebecca Lloyd, 122 N. Glendale, Wichita, KS 67208
Mo Zahr, 121 N. Glendale, Wichita, KS 67208
Heidi Woxland, 123 N. Bleckley, Wichita, KS 67208
Shelby Camp, 117 N. Bleckley, Wichita, KS 67208
Mallory Klenda, 136 N. Glendale, Wichita, KS 67208
Jan Morgan, 128 N. Oliver, Wichita, KS 67208
Wendell and Kathleen Kelly, 142 N. Glendale, Wichita, KS 67208
Neil Farthing, 128 N. Glendale, Wichita, KS 67208
Alisa Norlin, 127 N. Bleckley, Wichita, KS 67208
Thomas Lahey Jr., 106 N. Glendale, Wichita, KS 67208
Richard and Sandra Polak, 135 N. Oliver, Wichita, KS 67208
Pete Meitzner, WCC II, (e-mail)
Lavonta Williams, WCC I, (e-mail)
LaShonda Garnes NA I, Mail (e-mail)
Jeff Van Zandt, City Law, Mail Stop (e-mail)
JR Cox, Mail Stop (e-mail)
Rick Stubbs, Mail Stop (e-mail)

RESOLUTION No. 13-008

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT ANCILLARY PARKING ON APPROXIMATELY 0.14-ACRES ZONED B MULTI-FAMILY RESIDENTIAL ("B"), GENERALLY LOCATED EAST OF OLIVER AVENUE AND NORTHWEST OF THE DOUGLAS – GLENDAL AVENUES' INTERSECTION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, 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, SEDGWICK COUNTY, 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, for a Conditional Use to allow Ancillary Parking, on approximately 0.14-acres zoned B Multi-Family Residential ("B") legally described below:

Case No. CON2012-00044

A Conditional Use to allow Ancillary Parking, on approximately 0.14-acres zoned B Multi-Family Residential ("B") described as:

Lot 18, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas; generally located east of Oliver Avenue and northwest of the Douglas - Glendale Avenues' intersection.

SUBJECT TO THE FOLLOWING CONDITIONS:

(1) Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p.

(2) The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away all residential uses and zoning), landscaping along the north and east sides where the site is abutting or adjacent to residential uses and zoning.

(3) The site plan shall also show the off-site shared parking on Lot 19, Block 9, East Boulevard Addition and the applicant shall also provide a copy of the off-site shared parking agreement to Planning and the Office of Central Inspection. Solid screening shall be provided along the north side Lot 19, Block 9, East Boulevard Addition.

(4) A drainage plan shall be submitted for review and approval by Stormwater prior to the issuance of any paving permits for the parking lot.

(5) No outside speakers associated with a restaurant's outside sitting, on Lot 19, Block 8, East Boulevard Addition. The restaurant shall be no larger than 4,399-square foot - square feet and that shall include all storage, kitchen and bathroom areas.

(6) All trash receptacles or similar type of receptacles shall have 6-foot tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver Avenue side of the future parking.

(7) All improvements shall be completed within one year of the approval of the Conditional

Use by the MAPC or the City Council.

(8) Access onto the B zoned ancillary parking site from Glendale shall be ingress only. No exiting onto Glendale from the parking lot or any abutting properties.

(9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

(10) 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is 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 January 8, 2013

Carl Brewer, Mayor

ATTEST:

Karen Sublett, MMC

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

AGENDA ITEM NO. _____

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC November 15, 2012
DAB II November 5, 2012
DAB II December 3, 2012

CASE NUMBER: CON2012-00044

OWNER/APPLICANT: Joan M. Aboud Revocable Trust, c/o Joan M. Aboud (owner)
W.G. Farha II (applicant)

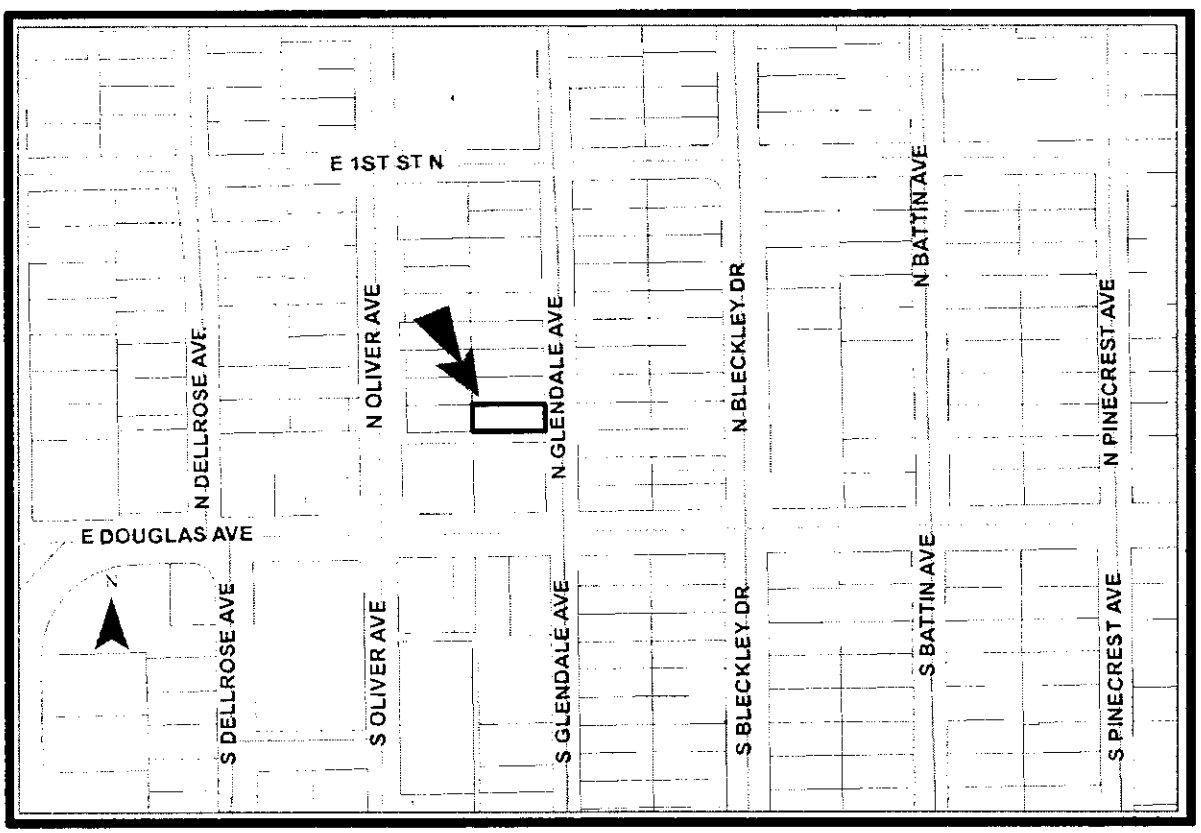
REQUEST: Conditional Use for Ancillary Parking

CURRENT ZONING: "B" Multi-Family Residential

SITE SIZE: Approximately 6,425-square feet (50 feet x 128.5 feet)

LOCATION: A block east of Oliver Avenue, northwest of the corner of Glendale and Douglas Avenues (115 N Glendale)

PROPOSED USE: Parking for a restaurant



BACKGROUND: The applicant is requesting a Conditional Use to allow 'ancillary parking' on the B Multi-Family Residential ("B") zoned Lot 18, Block 8, East Boulevard Addition. Per the Unified Zoning Code (UZC), ancillary parking may be permitted with a Conditional Use in the B zoning district; UZC, Sec.III-D.6.p. The site is located a block east of Oliver Avenue and northwest of the corner of Glendale and Douglas Avenues. The site has a duplex on it (built 1937), which will be torn down and replaced with the parking lot, if the proposed Conditional Use is approved. The parking lot will support the redevelopment of the vacant LC Limited Commercial ("LC") zoned Barrier's Jewelers building into a restaurant. The proposed parking site is located northeast of the vacant building/restaurant across a platted alley. The applicant is proposing to use the platted alley for the parking lot and for access onto the parking lot; no drive will be located from the parking lot onto Glendale.

The LC zoned vacant building/restaurant that the proposed parking will serve is part of a node of small retail strips and stand-alone retail/office clustered around the Oliver and Douglas Avenues' intersection. Properties located south of the site include the already mentioned LC zoned vacant building/restaurant and an LC zoned bank with drive-thru service. Further south, across Douglas, there are two LC and GO General Office ("GO") zoned commercial/office strips containing (but not limited to); a sit down pizza restaurant, a business selling kitchen ware, a pharmacy with drive-thru service, a spa, a medical office, financial advisors, and a office leasing business equipment and vehicles. These commercial strips share a B zoned parking lot. There is also the LC and GO zoned Southwestern Bell Telephone facility. Southwest of the site, across Douglas and Oliver, is the LC zoned Lincoln Heights commercial strip containing (but not limited to); a book store with a sit-down restaurant, a salon, a shoe store, a jewelry store, a photography studio, a barber shop, a sit-down restaurant, and a flower shop. Abutting and adjacent to the west of the site, there is NR Neighborhood Retail ("NR") and GO zoned offices. Further west of the site, across Oliver, there is a LC and GO zoned commercial strip containing (but not limited to); a salon, a boutique and a sit-down restaurant that serves alcoholic drinks (DER). There are also a GO zoned duplex and TF-3 Two-Family Residential ("TF-3") zoned single-family residences. The properties located north of the site include (abutting) B and NO Neighborhood Office ("NO") zoned single-family residences, a GO zoned office and B zoned triplexes and apartments. Properties located east of the site, across Glendale Avenue, include a B zoned dentist office and SF-5 Single-Family Residential ("SF-5") zoned single-family residence.

The applicant's site plan shows the existing parking for the proposed restaurant as well as the proposed parking site. The applicant's site plan also shows the proposed parking abutting another future parking lot, which is currently a NR Neighborhood Retail ("NR") zoned vacant retail/office building. Both the subject site and the abutting vacant building are proposed to be redeveloped into parking lots, which will cover approximately the north 10 feet of the abutting alleys. The applicant is also proposing a shared parking agreement with the east, abutting LC zoned bank's parking located on the east side of Glendale. If approved, the applicant needs to provide a revised site

plan showing; solid screening landscaping and any proposed lighting. The applicant may be required to apply for adjustments for locating parking within the setback of the east property line and the minimum required parking for a restaurant; UZC, Sec-IV.A.6.a.(1) and Sec-IV.A.4, one space per three seats. The site plan also needs to show solid screening around any trash receptacles.

CASE HISTORY: The site is platted as Lot 18, Block 8, East Boulevard Addition, which was recorded with the Register of Deeds February 21, 1930. DAB II considered this request at their November 5, 2012, meeting. At this meeting there were people who expressed concerns about the impact of the proposed parking lot in regards to drainage, noise, traffic, lights and losing a residence to a parking lot. The DAB is requiring the applicant to return to their first meeting in December.

ADJACENT ZONING AND LAND USE:

NORTH: B, NO, GO	Single-family residences, office, triplexes, apartments
SOUTH: LC, GO, B	Bank, two commercial/office strips, phone company facility
EAST: B, SF-5	Dentist office, single-family residences
WEST: LC, GO, NR, TF-3	Commercial strip, duplex, single-family residences

PUBLIC SERVICES: The subject property has direct access to Glendale Avenue, a residential street. The site also has access, through the abutting paved, platted east to west alley, to Oliver Avenue, a four-lane minor arterial street. Access to the site can also come through the existing parking for the restaurant off of Douglas Avenue, a three-lane minor arterial street. Current traffic volumes at this intersection are approximately 11,305 – 14,872 vehicles per day. All utilities are currently provided to the subject property. The site is located a block west of Bleckley Drive, which is covered with a FEMA Flood Zone and Flood Way that do not extend to the site. The applicant has met with Stormwater and the Office of Central Inspection and is aware that a grading plan will have to be submitted for review and approval as part of the application for a paving permit.

CONFORMANCE TO PLANS/POLICIES: The '2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The UZC identifies B zoning as being generally compatible with the urban residential and the "urban development mix" category. The urban development mix uses are reflected in the B zoning district allowing limited commercial (medical service, recreational marine facility) and public and civic uses by right.

The applicant's request for a Conditional Use for parking to support redevelopment of a vacant building for a restaurant is appropriate for "local commercial" types of use. The restaurant is not out of character with the area's other uses (see 'Background') and the requested parking is needed to meet the UZC's parking requirements. The site does not meet the Comprehensive Plan's Locational criteria of having direct access to an arterial. However its relative small size (50 feet x 128.5 feet) and its indirect access to Douglas and Oliver Avenues, via a paved alley and through the restaurant's site could

take some of the traffic off of Glendale. The proposed parking is similar to the parking of the two commercial strips located south of the site, across Douglas, but much smaller in scale. The conditions attached to the Conditional Use can address site design issues.

In the past, the MAPC has considered Conditional Uses for the redevelopment and expansion of commercial businesses on a site by site review. The applicant proposes to redevelop a vacant commercial building, while adding the needed parking on the subject site on a scale that would seem to conform to what the MAPC has recommended in the past.

RECOMMENDATION: The site's proposed Conditional Use for ancillary parking does not match the site being identified on the '2030 Land Use Guide of the Comprehensive Plan' as urban residential, nor does it entirely meet the Comprehensive Plan's Locational criteria of having direct access onto an arterial. The proposed Conditional Use supports redevelopment of a vacant LC zoned building and provides the needed parking, regardless of the type of (retail or a restaurant) redevelopment of the vacant LC zoned building. The proposed parking is similar to the parking of the two commercial strips located south of the site, across Douglas, but much smaller in scale. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. At its November 15, 2012, meeting the MAPC approved the request, with changes to the conditions as shown **underlined and in bold.** Also note, in reference to condition #1 below, that the applicant has filed a vacation for the below referenced alley, VAC2012-00044. Both the subject site and the abutting vacant building are proposed to be redeveloped into parking lots, which will cover approximately the north 10 feet of the abutting alleys, thus the vacation request. Because of the remaining width for access, a condition of approval of the vacation of the alley will be that it is posted on the Glendale side as one way entrance from Glendale, with no exit onto Glendale.

1. Use of the B zoned Lot 18, Block 8, East Boulevard Addition, shall include Ancillary Parking, per standards of the UZC, Sec.-III-D.p., **contingent on approval of vacating the alley that abuts Lots 17, 18, 19 and 20, Block 8, East Boulevard Addition**.
2. The applicant shall submit a revised site plan for review and approval by the Planning Director, within 30 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan. The site plan shall include, but not be limited to, solid screening where the site is abutting or adjacent to residential uses and zoning, all proposed lighting (no taller than 12 feet and directed away all residential uses and zoning), landscaping along the north and east sides where the site is abutting or adjacent to residential uses and zoning.
3. **The site plan shall also show the off-site shared parking on Lot 19, Block 9, East Boulevard Addition and the applicant shall also provide a copy of the off-site shared parking agreement to Planning and the Office of Central Inspection. Solid screening shall be provided along the north side Lot 19, Block 9, East Boulevard Addition**.
4. A drainage plan shall be submitted for review and approval by Stormwater prior to

the issuance of any paving permits for the parking lot.

5. No outside speakers associated with a restaurant's outside sitting. **The restaurant shall be no larger 5,092-sqaure feet and that shall include all storage, kitchen and bathroom areas.**
6. All trash receptacles or similar type of receptacles shall have 6-foot tall approved solid screening around it. The gate shall be of similar materials as the screening. The trash receptacle shall be moved so that it is adjacent to the Oliver side of the future parking.
7. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

1. **The zoning, uses and character of the neighborhood:** The B zoned proposed parking abuts the northeast side of a node of small commercial strips and stand alone retail/office clustered around the Oliver and Douglas Avenues' intersection. The Oliver – Douglas Avenue's intersection is the site of well maintained, vibrant LC, GO, NO, NR and B zoned local retail/office development, including what maybe one of the oldest commercial strips in the City, the Lincoln Heights commercial strip. The area has seen numerous redevelopment projects in the past, including the conversion of the Crest movie theater into a commercial strip housing a sit down pizza restaurant, a spa and a pharmacy with drive thru service. The proposed parking will support another redevelopment project in a vacant commercial building that was most recently Barrier's Jewelers and before that the well regarded Henry's men's clothing store.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned B Multi-Family Residential and is developed with a duplex that was built in 1937. The property is suitable for all residential uses and the limited public, civic and commercial uses and to which it has been restricted. The non-residential zoning and uses abutting and adjacent to the site's west and south sides provides the opportunity for consideration of non-residential development on the site.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Ancillary parking on a site this size when developed with the Conditional Use, will have a minimum of negative effect on the area. The proposed parking will support redevelopment of a vacant commercial building, which currently does not meet the current parking standards, regardless of redevelopment of the site. The proposed parking will provide another

opportunity to maintain the Oliver – Douglas Avenue's commercial development.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The "Commercial 2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The UZC identifies B zoning as being generally compatible with the urban residential and "urban development mix" category. The urban development mix uses are reflected in the B zoning district allowing limited commercial (medical service, recreational marine facility) and public and civic uses by right.

   The restaurant is not out of character with the area's other uses (see 'Background') and the requested parking is needed to meet the UZC's parking requirements. The site does not meet the Comprehensive Plan's Locational criteria of having direct access to an arterial. However its relative small size (50 feet x 128.5 feet) and its indirect access to Douglas and Oliver Avenues, via a paved alley and through the restaurant's site could take some of the traffic off of Glendale. The proposed parking is similar to the parking of the two commercial strips located south of the site (which have direct access onto Glendale), across Douglas, but much smaller in scale. The conditions attached to the Conditional Use can address site design issues.

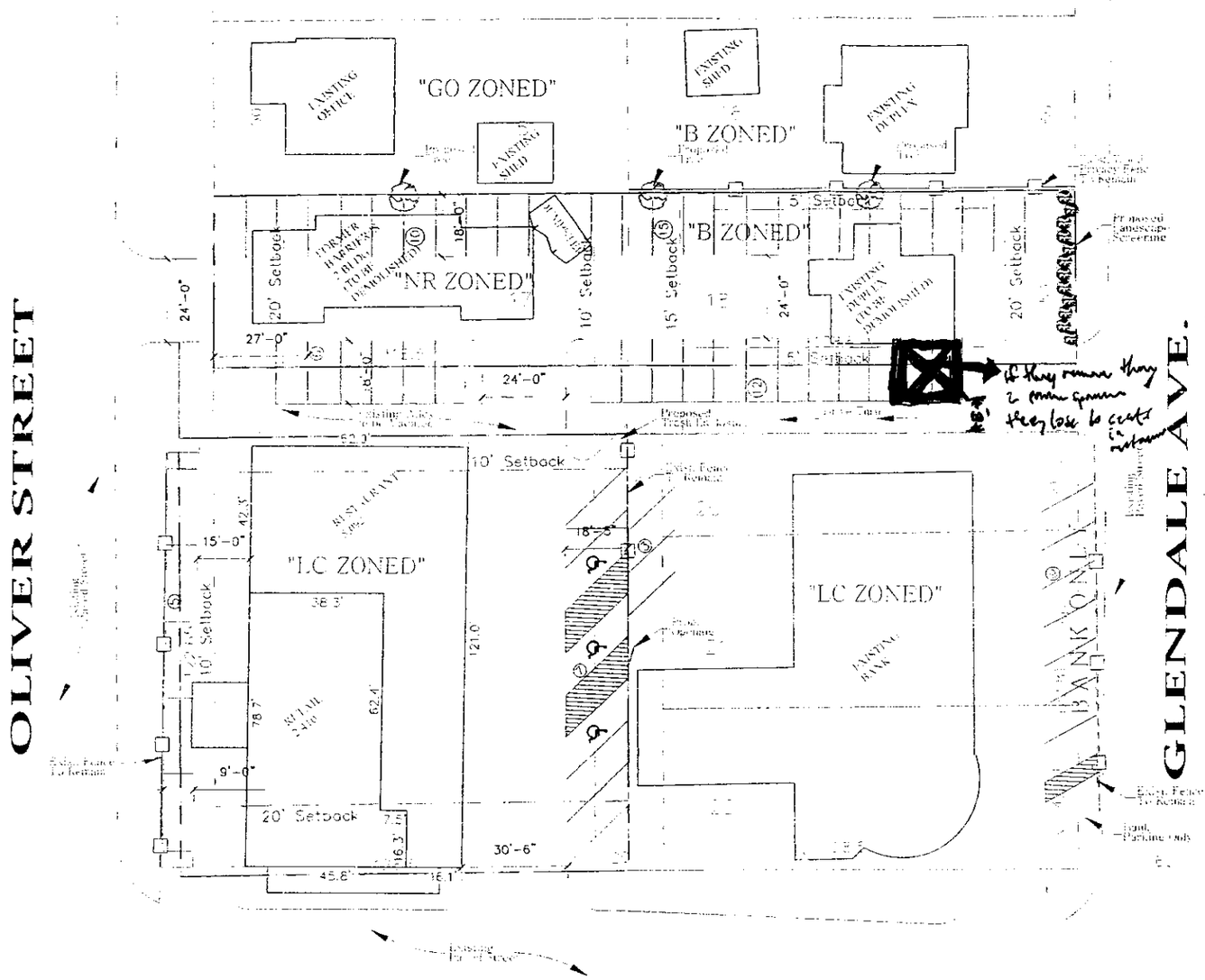
   In the past the MAPC has considered Conditional Uses for the redevelopment and expansion of commercial businesses on a site by site review. The applicant proposes to redevelop a vacant commercial building, while adding the needed parking on the subject site on a scale that would seem to conform to what the MAPC has recommended in the past.

5. **Impact on Community Facilities:** Impact on community facilities will be minimal.

11-15-12 MAPC HAND OUT ITEM # 4 CON2012-44

CONDITIONAL USE FOR LOT 18, BLOCK 8
EAST BOULEVARD ADDITION

EXHIBIT 5



N

SCALE
20 0 20 40
Scale: 1"=20'

Parcel Size = 36,155 Sq. Ft.

TOTAL PARCEL SIZE=35,222 S.F.± 0.81Ac.±)

RESTAURANT=4,399 S.F.

RETAIL=2,410 S.F.

PROPOSED CROSS PARKING=67 SPACES

BANK PARKING ONLY=9 SPACES

LEGAL DESCRIPTION:

Lot 17 Except the West 10 feet for Street, Block 8, East Boulevard Addition

and

Lot 18, Block 8 East Boulevard Addition

and

Lot 19 and ½ of the Vacated Alley Adjoining, Block 8, East Boulevard Addition.

This site concept does not constitute a survey. Poe & Associates does not warrant the accuracy of the information shown hereon.

DOUGLAS & OLIVER
CONCEPT 9
CITY OF WICHITA, KANSAS

POE & ASSOCIATES OF KANSAS, INC.

CONCEPT