CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 10, 2013

Catholic Diocese of Wichita
424 N. Broadway
Wichita, KS 67202

Baughman Company, PA
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

RE: BZA2012-28 – City variance request of the Zoning Code to permit parking within the front and street side setbacks for a church in B Multi-family Residential zoning, generally located north of 23rd Street North and east of Park Place (2402 and 2408 N. Park Place).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **September 26, 2013.** This resolution reflects the official action of the Board. It is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Asst. BZA Secretary
Current Plans Division

cc: Tom Stolz, MABCD
JR Cox, MABCD
Paul Gunzelman, Traffic Engineer
Paul Hays, MABCD
Janet Miller, WCC-VI-CM.

BZA RESOLUTION NO. BZA2013-28

WHEREAS, the Catholic Diocese of Wichita (owner), Baughman Company, PA c/o Russ Ewy (agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to permit parking within the front and street side setbacks for a church in B Multi-family Residential zoning, generally located north of 23rd Street North and east of Park Place (2402 and 2408 N. Park Place).

Legal Description:

Lots 41-47, Main Street, Menlo Park Addition to Wichita, KS

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of September 26, 2013, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique in that the 50 by 145-foot site was platted in 1888 and does not accommodate modern parking requirements for an institutional use. This property is further unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Revitalization" area. The Plan recommends flexible building setback requirements in this area to encourage infill development and redevelopment. The existing land use, a church, within a residential neighborhood is unique in that it requires adequate parking to remain a viable neighborhood institution.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance to allow parking within the required front and street side setbacks up to the property line would not adversely affect the rights of adjacent property owners. The one abutting residence north of the site will be screened from the parking lot by a six to eight-foot tall solid screening fence. Existing landscaping in the right-of-way and proposed landscaping on the south and west sides of the site will mitigate the parking encroachment into the setback when viewed from residences south and west of the site, across Park Place and 23rd Street N. The existing parking lot east of the subject site is configured almost identical to the proposed parking lot with no apparent impact on adjacent properties.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant. The application area can only accommodate the desired number of parking spaces if the requested variance to allow parking within the setback is granted. Strict application of the Zoning Code prohibition of parking within the setback would prevent the addition of needed parking to this site.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to allow parking within the required front and street side setbacks up to the property line will not adversely affect the public

interest, as further improving this property is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically recommends setback flexibility in this neighborhood to accommodate facilities that serve the public interest. The requested variance will allow the site to accommodate the maximum number of parking spaces possible, which will reduce demand for on-street parking in the immediate area, a benefit to the public interest in the area.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance to allow parking within the required front and street side setbacks up to the property line does not oppose the general spirit and intent of the Zoning Code. Setbacks are intended to ensure separation between structures and streets and to allow for open landscaped areas. Adequate separation between the parking area and public streets will be maintained. Landscaping exists within the public right-of-way and will exist within two small areas on the site.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance of the Zoning Code to permit parking within the front and street side setbacks for a church in B Multi-family Residential zoning, generally located north of 23rd Street North and east of Park Place (2402 and 2408 N. Park Place).

The variance is hereby <u>GRANTED</u>, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. Parking shall meet City Code and guidelines; parking spaces adjacent to sidewalks shall have permanent parking stops placed to prevent vehicles from encroaching onto the public sidewalk.
3. The applicant shall submit a landscape plan, to be approved by staff, placing landscaping within the two hatched triangle spaces abutting the west property line.
4. The setback reduction shall apply to parking on the site only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
5. The applicant shall obtain all permits necessary to develop the site within one year of variance approval, unless such time is extended by the BZA.
6. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 26th Day of September, 2013.

BZA Chair, Don Klausmeyer

ATTEST:

Jess McNeely, AICP
Asst. BZA Secretary

BOARD OF ZONING APPEALS
WICHITA/SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 1
September 26, 2013

SECRETARY'S REPORT

CASE NUMBER: BZA2013-28

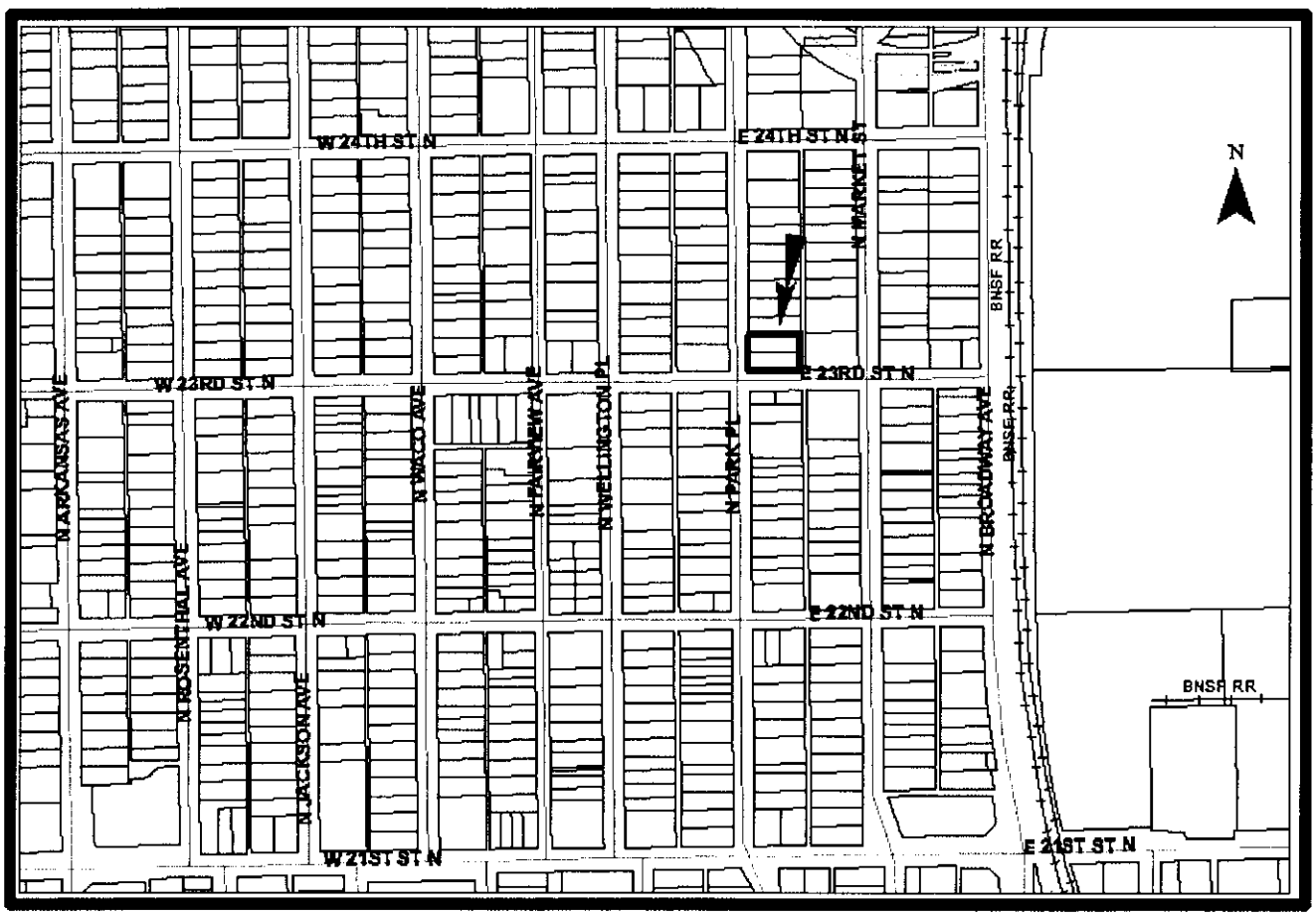
APPLICANT/AGENT: Catholic Diocese of Wichita (owner), Baughman Co. c/o Russ Ewy (agent)

REQUEST: City BZA Variance request to allow parking within the required front and street side setbacks up to the property line

CURRENT ZONING: B Multi-family Residential

SITE SIZE: .34 acres

LOCATION: Generally located north of West 23rd Street North and east of Park Place (2402 and 2408 N. Park Place)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The Unified Zoning Code (UZC) requires a 20-foot minimum front setback and five-foot minimum street side setback in the B Multi-family Residential zoning district. Parking is not permitted within the front or street side setback; an Administrative Adjustment of the UZC can allow parking within the front or street side setback but not within eight feet of the property line. Required setbacks are typically used for grass and required landscaping. The applicant requests a variance to permit parking within the front and street side setbacks up to the property line; see the attached site plan and letter submitted by the applicant's agent. The applicant is converting two former house lots to a parking lot in support of the Lady of Perpetual Help Church located on N. Market. The applicant has an existing parking lot, similar to the proposed parking lot in this case, at the northwest corner of 23rd Street North and Market; an alley separates the existing lot and the proposed lot. The existing church has additional small parking lots south of 23rd Street North, the applicant desires more parking contiguous with the church site. The existing parking lot east of the subject site has 47 parking spaces, the proposed parking lot on the subject site is designed to have 49 spaces.

All property surrounding the subject site is zoned B Multi-family Residential. Property north of the site is developed with a single-family residence. South of the site, across 23rd Street North, are single-family residences. East of the site, across an alley, is an existing church parking lot. West of the site, across Park Place, are single and multi-family residences.

ADJACENT ZONING AND LAND USE:

NORTH:	B	Single-family residences
SOUTH:	B	Single-family residences
EAST:	B	Church parking lot
WEST:	B	Single-family and multi-family residences

The five criteria necessary for approval as they apply to the requested variance.

UNIQUENESS: It is staff's opinion that this property is unique. The 50 by 145-foot site was platted in 1888 and does not accommodate modern parking requirements for an institutional use. This property is further unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Revitalization" area. The Plan recommends flexible building setback requirements in this area to encourage infill development and redevelopment. The existing land use, a church, within a residential neighborhood is unique in that it requires adequate parking to remain a viable neighborhood institution.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance to allow parking within the required front and street side setbacks up to the property line would not adversely affect the rights of adjacent property owners. The one abutting residence north of the site will be screened from the parking lot by a six to eight-foot tall solid screening fence. Existing landscaping in the right-of-way and proposed landscaping on the south and west sides of the site will mitigate the parking encroachment into the setback when viewed from residences south and west of the site, across Park Place and 23rd Street N. The existing parking lot east of the subject site is configured almost identical to the proposed parking lot with no apparent impact on adjacent properties.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. The application area can only accommodate the desired number of parking spaces if the requested variance to allow parking within the setback is granted. Strict

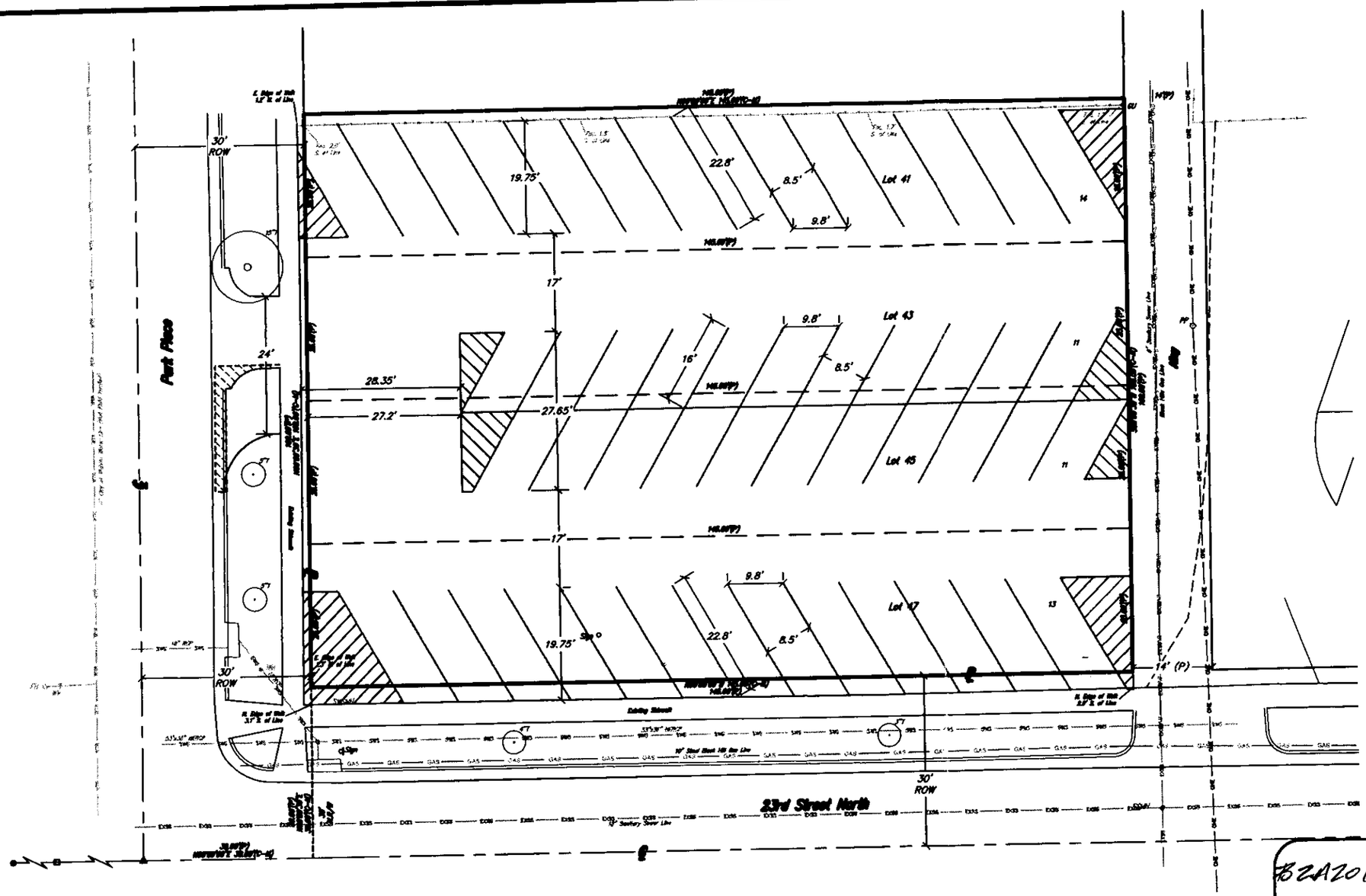
application of the Zoning Code prohibition of parking within the setback would prevent the addition of needed parking to this site.

PUBLIC INTEREST: It is staff's opinion that the requested variance to allow parking within the required front and street side setbacks up to the property line will not adversely affect the public interest, as further improving this property is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically recommends setback flexibility in this neighborhood to accommodate facilities that serve the public interest. The requested variance will allow the site to accommodate the maximum number of parking spaces possible, which will reduce demand for on-street parking in the immediate area, a benefit to the public interest in the area.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance to allow parking within the required front and street side setbacks up to the property line does not oppose the general spirit and intent of the Zoning Code. Setbacks are intended to ensure separation between structures and streets and to allow for open landscaped areas. Adequate separation between the parking area and public streets will be maintained. Landscaping exists within the public right-of-way and will exist within two small areas on the site.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to allow parking within the required front and street side setbacks up to the property line is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. Parking shall meet City Code and guidelines; parking spaces adjacent to sidewalks shall have permanent parking stops placed to prevent vehicles from encroaching onto the public sidewalk.
3. The applicant shall submit a landscape plan, to be approved by staff, placing landscaping within the two hatched triangle spaces abutting the west property line.
4. The setback reduction shall apply to parking on the site only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
5. The applicant shall obtain all permits necessary to develop the site within one year of variance approval, unless such time is extended by the BZA.
6. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



BENCHMARK

"□" Chiseled on Top of Catch Basin approx. 14' south of the SW property corner Lot 47, Menlo Park Addition, Wichita, Sedgwick County, Kansas.

Elevation=1391.18 (NAVD 88)

LEGAL DESCRIPTION

Lots 41–47, Menlo Park Addition, Wichita, Sedgwick County, Kansas.

SITE INFORMATION

Total Area:	±14,502 sq. ft. (0.33 acres)
Disturbed Area:	±15,157 sq. ft. (0.35 acres)
Impervious Area:	±14,928 sq. ft. (0.34 acres)

LAYOUT NOTES

1. Contractor shall be required to provide notice to Kansas One Call at 887-2470 a minimum of three (3) working days prior to any excavation or work adjacent to utilities.

   Kansas One Call 1-800-DIG-SAFE

2. The Contractor must notify the following in case of an emergency:

Kansas Gas Service (Gas)	1-888-482-4900
Black Hills Energy (Gas)	1-800-303-0387
Westar Energy (Electric)	263-8920
Cox Communications (Telecommunication)	262-4270
AT&T (Telecommunication)	268-2788
City of Wichita Water Dept. (Water)	268-4583
	or 268-4898
City of Wichita Sewer Maint.(San. Sewer)	268-4324
	or 262-3900
City of Wichita Storm Sewer Maint. (Storm Sewer)	268-4550
City of Wichita Traffic Maint.(Traf. Control)	268-4434
	or 268-4203
Conoco Pipeline Co. (Petroleum)	1-800-231-2691
Williams Pipeline Co. (Petroleum)	631-3900
	or 1-800-364-9999
Phillips Pipeline Co. (Petroleum)	1-800-766-8230

3. Existing utilities and their locations, as shown on the plans, represent the best information obtainable for design. Location information has been obtained from the various utility companies and is either from company record drawings or company provided field locations. The Contractor will be required to work around existing utilities which do not conflict with proposed construction.

4. Traffic affected by demolition on this project shall be handled in accordance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).

5. The Contractor shall provide appropriate signage throughout the sequence of construction clearly stating where construction entrances are.

6. The Contractor shall take all necessary precautions to protect the general public during the construction and demolition process. This may include the use of fences and signage.

LAYOUT

7. Signing and striping shall be installed in accordance with Local City Specifications and Codes. Striping shall be painted markings in conformance with the latest edition of the Standard Specifications for State Road and Bridge Construction by the Kansas Department of Transportation.

8. Dimensions shown are to face of curb or edge of pavement unless otherwise noted.

BZA2013-28 SITE PLAN

APPROVED

Date: 10-10-13

Preliminary Plan
-FOR REVIEW ONLY-
July 16, 2013

Baughman

Our Lady of Perpetual Help

LAYOUT PLAN

Menlo Park Addition, Lots 41-47

Baughman Company, P.A. 315 West St. Wichita, KS 67213 P 316-262-2331 F 316-262-0949
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

PROJECT NUMBER	
DESIGN: DML	DRAWN: DML
APPROVED	DATE: 7/16/13
REVISIONS	SCALE: AS SHOWN
	SHEET: OF

13-04-E897