



Wichita-Sedgwick County Metropolitan Area Planning Department

August 29, 2005

Joel Associates, Inc.
Attn: Len Marotte
1999 Amidon, Suite 375
Wichita, KS 67203

FILE COPY

RE: CON2004-44 – Conditional Use for ancillary parking on property zoned “SF-5” Single-family Residential. Generally located at the northwest corner of Mentor and Sedgwick. (District IV)

Dear Mr. Marotte:

At its regular meeting on January 13, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the following conditions:

1. The ancillary parking area shall be developed and operated in conformance with the requirements of Section III-D.6.p. of the Unified Zoning Code, except as noted in the conditions of approval.
2. The posts of the six-foot high screening fence and three-foot high wrought iron fence shall be brick columns matching the architectural character of columns used on porches of nearby homes per an architectural rendering approved by the Delano Design Review Committee prior to the issuance of a building permit. The six-foot high screening fence shall be located on the north and west property lines entirely on the subject property and shall not extend beyond the south or east end of the paved surface of the parking lot. The three-foot high wrought iron fence shall be provided along the south and east edges of the parking lot except at driveway locations and shall tie into the screening fence at the corners of the parking lot.
3. A seven-foot deep landscaped buffer shall be provided along the north edge of the parking lot and shall be planted with evergreen trees spaced every 10 feet.
4. The six-foot deep landscape bed along the south and east edges of the parking lot shall be planted with shrubs every three feet (except at tree locations) and with ornamental trees every 20 feet. The remainder of the property between the landscape bed and the street

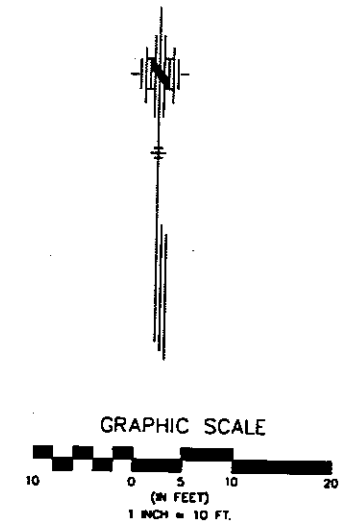
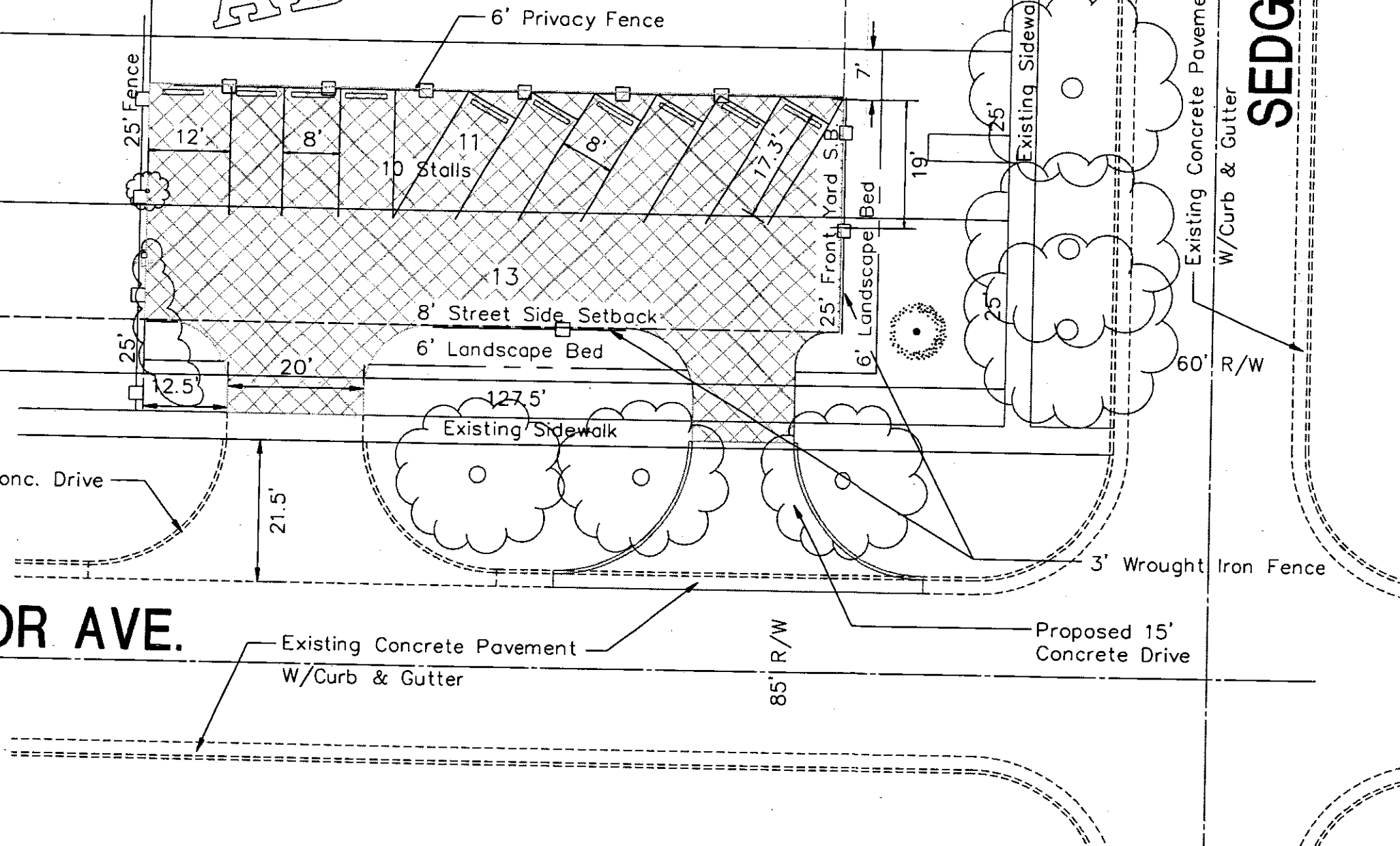
approval of a Conditional Use and use of the subject property as a parking lot is a suitable use of the property in that it furthers the continued viable use of a nearby commercial property.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code, the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, and the additional zoning restrictions of the Conditional Use should limit noise, lighting, and other activity from adversely impacting surrounding residential uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan indicates that the subject property is appropriate for "Residential" development. The Delano Neighborhood Plan is silent regarding the location of parking lots to support a commercial use within a residential area; however, an informal policy of supporting expansions of existing businesses at current locations rather than requiring relocation indicates the requested parking lot is supported by past policy.

MAPLE STREET ADDITION

MENTOR AVE.

SEDGWICK AVE.



LEGAL DESCRIPTIONS

Lots 11 & 13 Power Now Sedgwick Ave., Maple Street Addition, Wichita, Sedgwick County, Kansas.

- Proposed Asphalt Paving
- Proposed Concrete Drive

PRELIM.

Designed By: T. Austin
Drawn By: S. Schmidt
Proj. Job No.: 110000

POE & ASSOCIATES OF KANSAS, INC.
CONSULTING ENGINEERS
5940 E. Central, Suite 200 • Wichita, KS 67208-4242
Phone 316-985-4114 • FAX 316-985-4444



MAPLE STREET ADDITION
LOT 11 & 13
CONDITIONAL USE

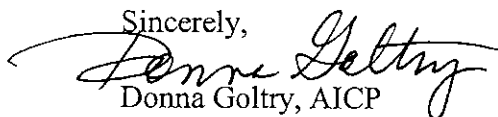
No.	Date	By	Approved	Revision
1				
2				

shall be planted in turf grass and the existing trees in the right-of-way along Mentor and Sedgwick shall be maintained.

5. The entrances to the parking lot shall be posted with signs not exceeding six square feet in area indicating that trespassing on the property is not permitted and that the parking lot is reserved for permitted parking only.
6. No lighting of the parking lot shall be permitted.
7. Prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use, a Zoning Adjustment to permit the parking area circulation aisle within the street side setback along Mentor shall be acquired.
8. A revised site plan addressing the conditions of approval shall be submitted for review and approval by the Delano Design Review Committee prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use.
9. All landscaping required by the conditions of approval shall be installed 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.
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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This is to notify you that 180 days has elapsed, and that if all conditions have not been met within 30 days from issuance of this letter, action will be initiated to declare the Conditional Use null and void. If you have any questions concerning this case please contact me at 268-4421.

Sincerely,



Donna Goltry, AICP
Principal Planner, Current Plans

cc: Tim Austin, Poe and Assoc., 5940 E. Central Ste 200, Wichita, KS 67208
Judith Fields, 8027 Lulu, Haysville, KS 67060
Paul Gray, WCC IV, Mail Stop 1-13
Joe A Lang, First Attorney, City of Wichita
John L Schlegel, Director of Planning, MAPD
Dale Miller, Current Plans Manager, MAPD
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
Herb Shaner, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2004-00044

WHEREAS, Joel Associates, Inc. c/o Len Marotte (Owner/Applicant); Poe and Associates c/o Tim Austin (Agent) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for ancillary parking on 0.15 acres zoned “SF-5” Single-family Residential described as:

Lots 11 and 13 on Power now Sedgwick Avenue, Maple Street Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Mentor and Sedgwick.

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 January 13, 2005, 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 for ancillary parking on 0.15 acres zoned “SF-5” Single-family Residential described as:

Lots 11 and 13 on Power now Sedgwick Avenue, Maple Street Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Mentor and Sedgwick.

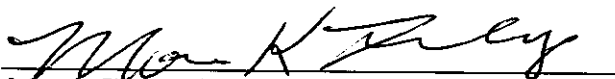
APPROVED, subject to the following conditions:

1. The ancillary parking area shall be developed and operated in conformance with the requirements of Section III-D.6.p. of the Unified Zoning Code, except as noted in the conditions of approval.
2. The posts of the six-foot high screening fence and three-foot high wrought iron fence shall be brick columns matching the architectural character of columns used on porches of nearby homes per an architectural rendering approved by the Delano Design Review Committee prior to the issuance of a building permit. The six-foot high screening fence shall be located on the north and west property lines entirely on the subject property and shall not extend beyond the south or east end of the paved surface of the parking lot. The three-foot high wrought iron fence shall be provided along the south and east edges of the parking lot except at driveway locations and shall tie into the screening fence at the corners of the parking lot.
3. A seven-foot deep landscaped buffer shall be provided along the north edge of the parking lot and shall be planted with evergreen trees spaced every 10 feet.
4. The six-foot deep landscape bed along the south and east edges of the parking lot shall be planted with shrubs every three feet (except at tree locations) and with ornamental trees every 20 feet. The remainder of the property between the landscape bed and the street shall be planted in turf grass and the existing trees in the right-of-way along Mentor and Sedgwick shall be maintained.

5. The entrances to the parking lot shall be posted with signs not exceeding six square feet in area indicating that trespassing on the property is not permitted and that the parking lot is reserved for permitted parking only.
6. No lighting of the parking lot shall be permitted.
7. Prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use, a Zoning Adjustment to permit the parking area circulation aisle within the street side setback along Mentor shall be acquired.
8. A revised site plan addressing the conditions of approval shall be submitted for review and approval by the Delano Design Review Committee prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use.
9. All landscaping required by the conditions of approval shall be installed 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.
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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 13th DAY of January, 2005. 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


Morris K. Dunlap, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

DAB IV January 19, 2005

MAPC January 13, 2005

CASE NUMBER: CON2004-00044

APPLICANT/AGENT: Joel Associates, Inc. c/o Len Marotte (Owner/Applicant); Poe and Associates c/o Tim Austin (Agent)

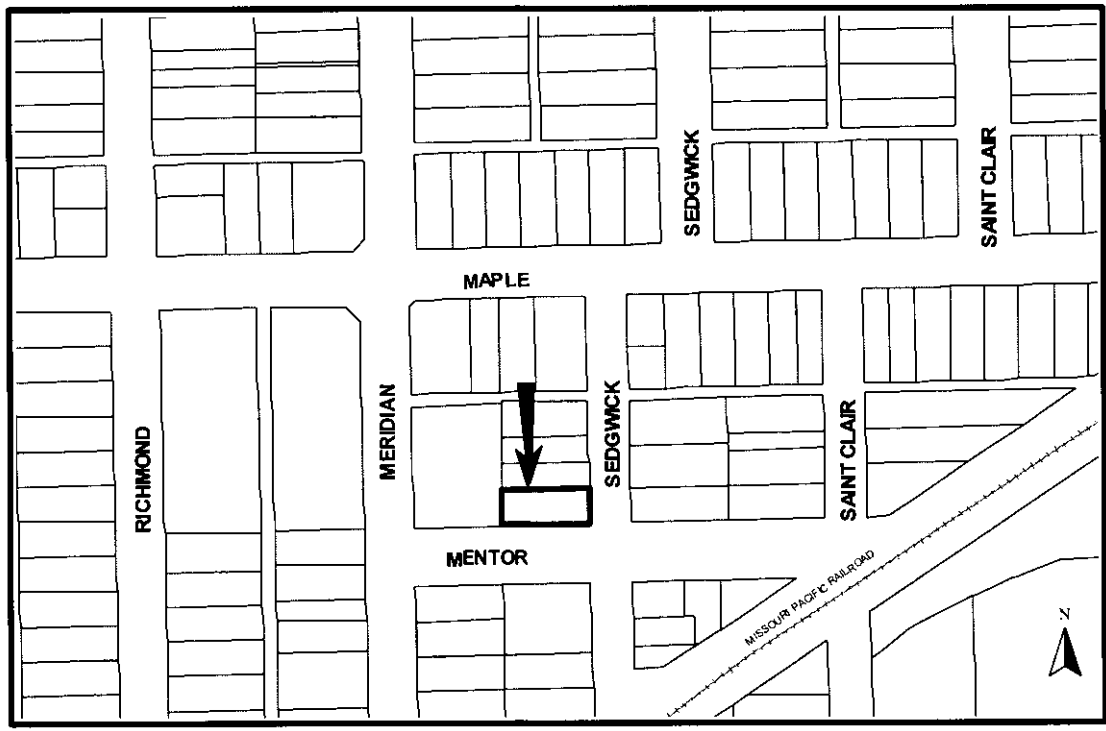
REQUEST: Conditional Use for ancillary parking

CURRENT ZONING: "SF-5" Single Family

SITE SIZE: 0.15 acres

LOCATION: Northwest corner of Mentor and Sedgwick

PROPOSED USE: Employee parking for an existing commercial building located at the southeast corner of Maple and Meridian



BACKGROUND: The applicant requests a Conditional Use to allow ancillary parking on 0.15 platted acres zoned “SF-5” Single Family. The subject property is a vacant lot located at the northwest corner of Mentor and Sedgwick. The applicant indicates that ancillary parking is needed for employee parking for an existing commercial building located at the southeast corner of Maple and Meridian.

The surrounding area is characterized primarily by residential uses; however, there are a couple of small commercial properties at the intersection of Maple and Meridian, including the applicant’s property for which insufficient parking is available on site. The properties to the north, south, and east of the subject property are zoned “SF-5” Single Family and are developed with single family residences. The property to the west of the subject property is zoned “B” Multi-Family and is developed with apartments. The applicant’s commercial property is within the same block as the subject property, is zoned “LC” Limited Commercial, and is developed with a multi-tenant commercial building.

Ancillary parking areas may be permitted in residential zoning districts through approval of a Conditional Use. Ancillary parking areas are subject to the Supplementary Use Regulations contained in Section III-D.6.p. of the Unified Zoning Code (see attached). The subject property also is located within the Delano Overlay District; therefore, the proposed parking lot must conform to the Section 3.f.(2) of the Delano Neighborhood Design Guidelines (see attached).

The attached site plan illustrates a proposed 10 stall parking lot. Since the subject property is within the Delano Overlay District, Section II-C.8.c. of the Unified Zoning Code requires the site plan to be reviewed by the Delano Design Review Committee for conformance with the Delano Neighborhood Design Guidelines. The Delano Design Review Committee has conducted a preliminary review of the site plan and indicates that the following changes are needed for the proposed parking lot to conform with the Delano Neighborhood Design Guidelines.

1. In order to make the fences compatible with the architectural character of the area, the fence posts need to be brick columns matching the style found on porches of nearby homes.
2. In order to reduce the impact of noise and light from the parking lot on the residence to the north, the seven-foot strip along the north end of the subject property needs to be planted with evergreen trees.
3. In order to reduce the impact of noise and light from the parking lot on the residences to the south and east, the six-foot deep landscape bed along the south and east edges of the parking lot need to be planted with shrubs and ornamental trees.
4. In order to improve the visual appearance of the parking lot and make it more compatible with the residential neighborhood, two landscaped islands need to be provided in the interior of the parking lot.

CASE HISTORY: The subject property is platted as part of the Maple Street Addition, which was recorded March 8, 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single family residence
SOUTH:	"SF-5"	Single family residence
EAST:	"SF-5"	Single family residence
WEST:	"B"	Apartments

PUBLIC SERVICES: Normal municipal services are available. Transportation access is via Mentor, a paved residential street.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan indicates that the subject property is appropriate for "Residential" development. The Delano Neighborhood Plan is silent regarding the location of parking lots to support a commercial use within a residential area; however, an informal policy of supporting expansions of existing businesses at current locations rather than requiring relocation indicates the requested parking lot is supported by past policy.

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 ancillary parking area shall be developed and operated in conformance with the requirements of Section III-D.6.p. of the Unified Zoning Code, except as noted in the conditions of approval.
2. The posts of the six-foot high screening fence and three-foot high wrought iron fence shall be brick columns matching the architectural character of columns used on porches of nearby homes per an architectural rendering approved by the Delano Design Review Committee prior to the issuance of a building permit. The six-foot high screening fence shall be located on the north and west property lines entirely on the subject property and shall not extend beyond the south or east end of the paved surface of the parking lot. The three-foot high wrought iron fence shall be provided along the south and east edges of the parking lot except at driveway locations and shall tie into the screening fence at the corners of the parking lot.
3. A seven-foot deep landscaped buffer shall be provided along the north edge of the parking lot and shall be planted with evergreen trees spaced every 10 feet.
4. The six-foot deep landscape bed along the south and east edges of the parking lot shall be planted with shrubs every three feet (except at tree locations) and with ornamental trees every 20 feet. The remainder of the property between the landscape bed and the street shall be planted in turf grass and the existing trees in the right-of-way along Mentor and Sedgwick shall be maintained.

5. Two landscaped islands shall be provided in the interior of the parking lot. The landscaped islands shall each be planted with a shade tree and shrubs, ground cover, and/or turf grass.
6. The entrances to the parking lot shall be posted with signs not exceeding six square feet in area indicating that trespassing on the property is not permitted and that the parking lot is reserved for permitted parking only.
7. No lighting of the parking lot shall be permitted.
8. Prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use, a Zoning Adjustment to permit the parking area circulation aisle within the street side setback along Mentor shall be acquired.
9. A revised site plan addressing the conditions of approval shall be submitted for review and approval by the Delano Design Review Committee prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use.
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11. 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 Unified Zoning Code, 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 surrounding area is characterized primarily by residential uses; however, there are a couple of small commercial properties at the intersection of Maple and Meridian, including the applicant's property for which insufficient parking is available on site. Ancillary parking areas may be permitted in residential zoning districts through approval of a Conditional Use. With the recommended conditions of approval, the proposed parking lot complies the requirements of the Unified Zoning Code and the Delano Neighborhood Design Guidelines; therefore, the ancillary parking lot is consistent with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single Family and could be developed with uses permitted in that district. An ancillary parking area may be permitted with