



Wichita-Sedgwick County Metropolitan Area Planning Department

February 21, 2008

Mathew Murray
8201 Peach Tree Lane
Wichita KS 67207


RE: CON2007-48 – City Conditional Use request to permit parking and/or ancillary drive on property zoned “SF-5” Single-family Residential, generally located North of Kellogg and East of Rock Rd. at the southeast corner of the intersection of South Heather Road and East Peach Tree Lane (8201 East Peach Tree Lane.).

Dear Ladies and Gentlemen:

At its regular meeting on **February 12, 2008**, the Wichita City Council 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,


Dale Miller
Current Plans Manager
Current Plans Division

DL/mc
Enclosure

Cc: Doug Maryott, 4011 Tara Circle, Wichita KS 67226
Roy Minor, 8126 Peach Tree Lane, Wichita KS 67207
Heath Wallis, 8125 Peach Tree Lane, Wichita KS 67207
Marty Weeks, 8105 Mockingbird, Wichita KS 67207
Sue Schlapp, WCC II, Mail Stop #1-13
Antoine Sherfield, NA WCC II, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71 Wichita, Kansas 67202-1688

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www.wichita.gov

RESOLUTION No. 08-090

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT "PARKING AREA, ANCILLARY" (DRIVEWAY ONLY) ON 2,700 SQUARE FEET ZONED "SF-5" SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF HEATHER ROAD AND PEACH TREE LANE (8201 EAST PEACH TREE LANE), IN THE CITY OF WICHITA, 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, 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, a Conditional Use to permit "parking area, ancillary" (driveway only) on property zoned "SF-5" Single-family Residential legally described below:

The south 30 feet of the west 90 feet of Lot 1, Block 7, Bonnie Brae Addition to the City of Wichita, Kansas, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The uses on the site are restricted to a "driveway only" (parking is prohibited).
2. The site shall be developed in general conformance with the approved site plan.
3. The site shall be developed in compliance with all applicable code requirements, including, but not limited to: setbacks, landscaping, screening, noise and lighting. Parking lot lighting standards shall not exceed 15 feet including the base.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of approval for this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use 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.

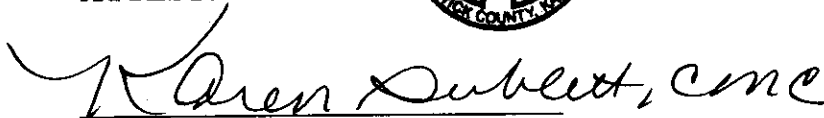
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date
February 12, 2008.

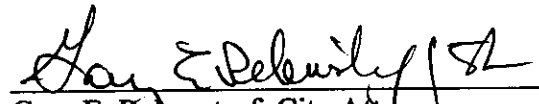


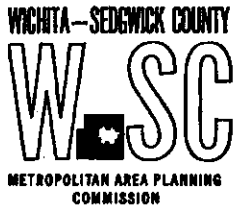

Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk

Approved as to form:


Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. _____

STAFF REPORT

DAB II 1-9-08
MAPC 1-10-08

CASE NUMBER: CON2007-00048

APPLICANT/AGENT: Mathew Murray (applicant) / Doug Maryott (agent, co-applicant)

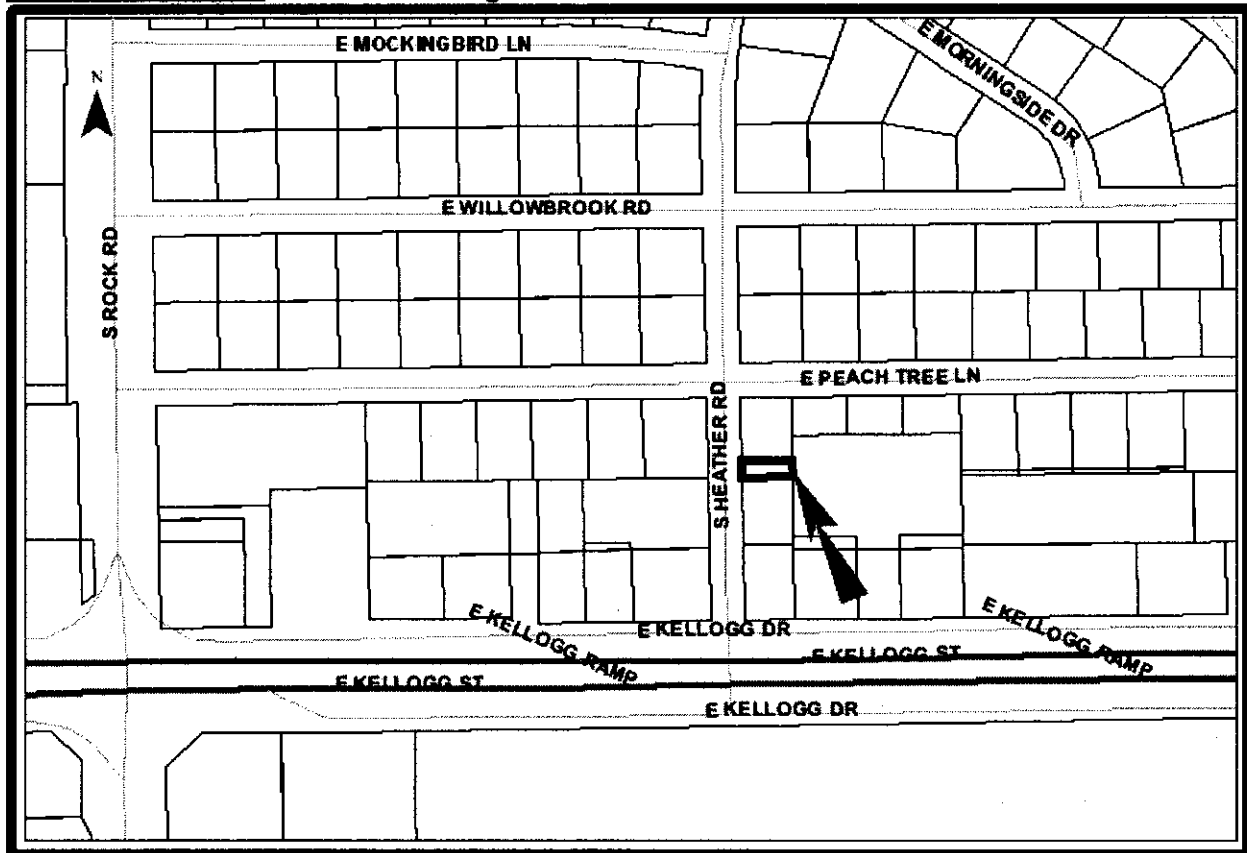
REQUEST: Conditional Use to permit "parking area, ancillary"

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: 2,700 square feet

LOCATION: South of Peach Tree Lane, east of South Heather Road

PROPOSED USE: Parking



BACKGROUND: The applicant owns a 90-foot wide by 140-foot deep platted lot (the west 90 feet of Lot 1, Block 7, Bonnie Brae Addition) that contains 12,600 square feet, is zoned "SF-5," Single-family Residential, and is developed with a single-family residence. The applicant is seeking a Conditional Use to permit "parking area, ancillary." See the attached site plan. Staff is advised the residence is a rental. The lot is located at 8201 East Peachtree, which is the southeast corner of Peachtree Lane and South Heather Road, and adjoins land to the south and east (Lot 6, Ruth Addition and Lot 4, Higgens-Andeel 2nd Addition) that has frontage on East Kellogg's north frontage road. These two lots (Lot 6 and Lot 4) located to the south and east are zoned "LC," Limited Commercial, and developed with the Wichita Inn East, and parking that supports the inn. The applicant proposes to lease the southern 30 feet, 2,700 square feet, of the subject lot to the adjoining property owner to the south, CAP Partnership, which operates the Wichita Inn East.

Lot 6, Ruth Addition, the western end of the Wichita Inn's site, is located immediately south of the subject property, and is partially developed with parking that supports the motel. Lot 6 was originally much deeper, but with improvements to East Kellogg the lot is now approximately 118 feet deep. Adding 30 feet from Lot 1 to the Inn's land area would provide an approximately 148-foot deep lot that would be more useable. The applicant's site plan indicates the area is to be used for parking and a driveway.

The lease of a portion of a residential lot developed with a single-family home is somewhat unusual, however, the configuration of the applicant's lot and the lots adjacent to the subject site have contributed to this unusual situation. The applicant's lot was originally part of an "Oklahoma" shaped lot with a "panhandle" that extended east from the applicant's current rectangle shaped lot. As mentioned above, the applicant's lot is currently 140 feet deep, north to south. The "panhandle" portion of the original lot was only 67 feet deep (north to south) by 99 feet wide (east to west). At some point, Lot 1 was split to create the two portions of Lot 1 that we have today. Because of this somewhat unusual lot configuration, the land to the south (Lots 2 and 3 of the Higgens-Andeel 2nd Addition) extends further north than the lots located east and west of these two lots, creating an irregular boundary where "LC" zoning projects further north on these two lots than on the lots located to the east and west.

If the request is approved, the home site would still retain approximately 9,900 square feet of lot area, which is well within the minimum lot area requirement for this zoning district, and there would be approximately 25 feet from the house to the new lot line. There is an eight-foot platted utility easement located along the existing south property line that has a sewer line located within the easement. The utility easement may have to be addressed to ensure that the remainder of the application area containing the home still has legal access to utilities. A boundary shift may need to be obtained. In addition to the utility easement, construction on the site will trigger applicable code required setbacks, landscaping, screening.

The land north, east and west of the site are part of the Bonnie Brae neighborhood, zoned "SF-5," Single Family Residential and are developed with single-family homes. The lot to

the east of the application area is only 67 feet deep so the applicant's lot already has "LC" zoning along its eastern boundary for a distance of 72 feet. Heather Road separates the applicant's property from the property located to the west. Currently both the applicant's lot and the neighboring lot to the west (across Heather) rear property lines terminate at the same depth from Peach Tree Lane, where Heather is fenced and closed to through traffic.

CASE HISTORY: The Bonnie Brae Addition was recorded in 1953. A nearly identical area was the subject of an application to rezone the property to "LC," Limited Commercial (ZON2007-18). Zoning application ZON2007-18 encountered significant neighborhood opposition, and was ultimately denied.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5, Single-family Residential; single-family residential
SOUTH: LC, Limited Commercial; motel parking, motel
EAST: LC, Limited Commercial; motel
WEST: SF-5, Single-family Residential; single-family residential

PUBLIC SERVICES: Public services are available but may have to be modified or a private easement agreement may need to be filed to ensure that the lot abuts all required utility easements. The sewer service line comes from the south. There is a platted eight-foot utility easement located along the north side of the existing south property line. Heather Road has been closed mid-block to prevent traffic from the Kellogg corridor traveling through the Bonnie Brae neighborhood. Peach Tree Lane is a local residential street.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* map depicts the site as the dividing line between "urban residential" and "regional commercial."

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

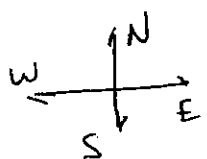
1. The uses on the site are restricted to "parking area, ancillary" as defined by the Unified Zoning Code.
2. The site shall be developed in general conformance with the approved site plan.
3. The site shall be developed in compliance with all applicable code requirements, including, but not limited to: setbacks, landscaping, screening, noise and lighting. Parking lot lighting standards shall not exceed 15 feet including the base.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of approval for this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the east and south is zoned "LC," and developed with a motel. Property to the north and west is zoned "SF-5," and developed with residences. The home to the north is owned by the applicant. The subject site is located in a transition zone between single-family residential and retail and service commercial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as the back yard of the single-family residence. If the request is approved, the site will still have significant footage (over 9,000 square feet) over code required minimum lot standards (5,000 square feet), and will be larger than the lots immediately to the east.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property owner of the home to the north is the applicant, and apparently is a willing lessor and does not see this proposal as a threat to his investment. Code required setbacks, landscaping and screening requirements would minimize detrimental affects.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will assist with keeping an existing hotel competitive by adding more parking for the Inn. Denial would presumably be an economic loss to the lot owner due to the potential loss of the transaction.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *2030 Wichita Functional Land Use Guide* map depicts the site as being the dividing line between "urban residential" and "regional commercial" uses. Movement of the line 30 feet further north will not be inconsistent with plan recommendations
6. Impact of the proposed development on community facilities: Additional easements may be required to ensure that the lot continues to abut utility easements. Otherwise, little, if any, impact on community facilities is foreseen.

10' 0" E

PEACH TREE



HEATHER Street

Street

8201 E.
Peach Tree

Fence

House

Back
YARD

Fence

APPLICATION
AREA

Hotel Parking Lot

Street
BARRICADE

Proposed New Fence

Proposed Parking / Drive
30' x 90'

New
Access

New
Access

Existing Fence

Wichita
Inn
East
8220 E.
Kellogg

Heather

Street

STALLS &

EXISTING
PARKING

Hotel
Parking
Lot

STING
AVE

EXISTING
DRIVE

