

CONDITIONAL USE RESOLUTION NO. CU-473

WHEREAS, Norman Massey Jr. (Owner); Peerless Princess Lodge #243 (Applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow parking on a 75' x 135' tract of land zoned "TF-3" Two-Family Residential legally described as:

Lot 12, Lot 14 and Lot 16 on Lorraine Avenue in Fairmount Park Addition, Wichita, Sedgwick County, Kansas. Generally located south of 13th St. North and west of Hillside.

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 March 24, 1998, 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 permit a conditional use to allow to allow parking on a 75' x 135' tract of land zoned "TF-3" Two-Family Residential legally described as:

Lot 12, Lot 14 and Lot 16 on Lorraine Avenue in Fairmount Park Addition, Wichita, Sedgwick County, Kansas. Generally located south of 13th St. North and west of Hillside.

subject to the following conditions:

1. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking

area shall have adequate markings for channelization and movement of vehicles.

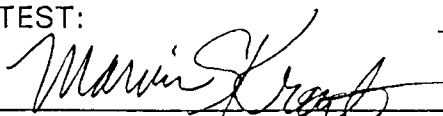
6. Lighting shall be provided and be limited to 15 feet in height, and designed so as to direct or deflect light away from adjacent residential properties.
7. There shall be no parking in the required 25-foot front yard landscape setback. The applicant shall meet all screening and buffer requirements found in the Unified Zoning Code and the Landscape Ordinance.
8. Prior to the development of the site as a parking area, the applicant shall submit a revised site plan to the traffic engineer and the Planning Department for their approval. This site plan shall be completed by a professional draftsman. The applicant shall also develop and submit a landscape/screening plan in accordance with code requirements for review and approval before the parking lot is developed.
9. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

Adopted this 24th day of March, 1998. 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.

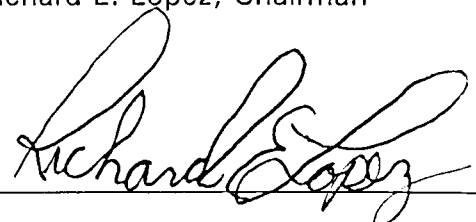
METROPOLITAN AREA PLANNING COMMISSION

Richard E. Lopez, Chairman

ATTEST:



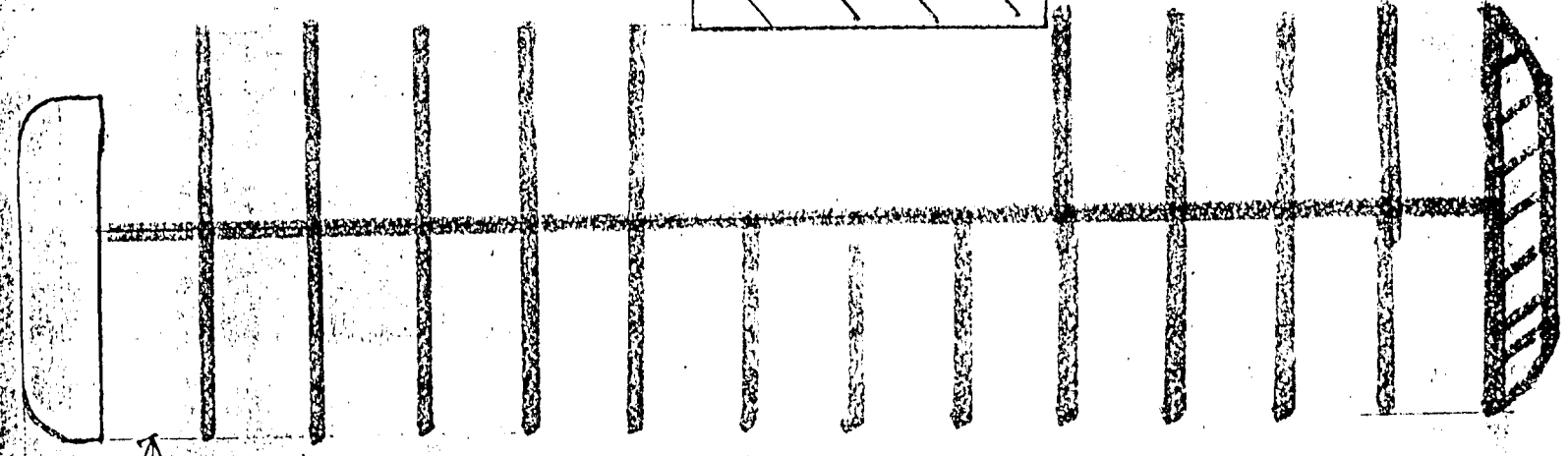
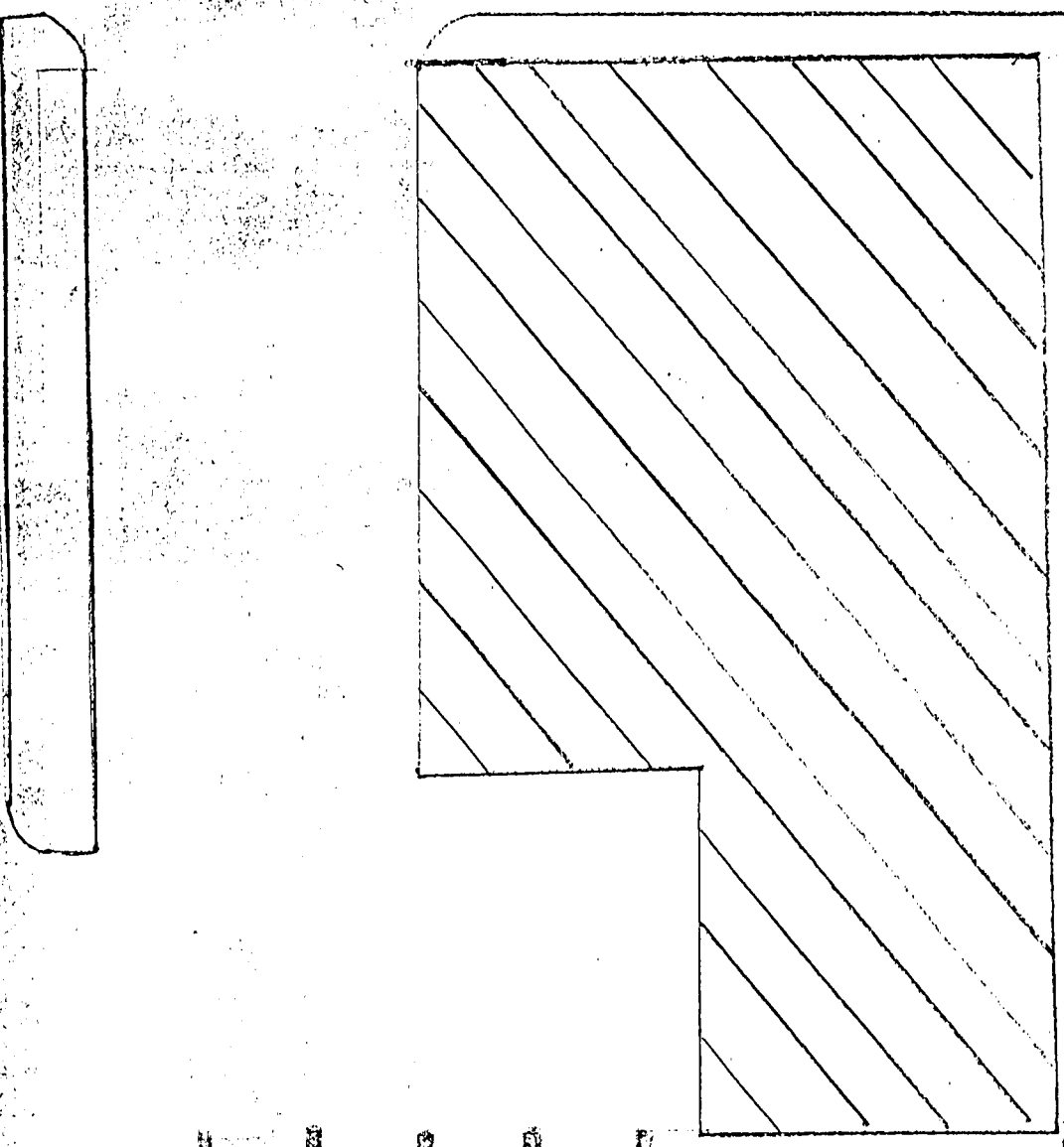
Marvin S. Krout, Secretary



Richard E. Lopez, Chairman

13 St North

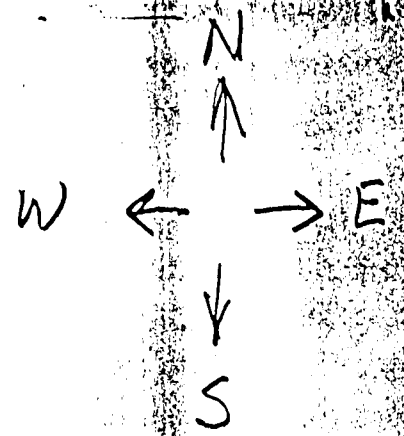
LORRAINE



27
18

16 1/2

13.5 ft
1/16 = 1 ft



BACKGROUND: The applicant is requesting a Conditional Use Permit to allow parking on property zoned "TF-3" Two-Family Residential, located north of 13th St. North and west of Hillside. The parking area will be located just south of an existing building which is being used as the Peerless Princess Lodge #243. This site is located on Lots 2, 4, 6, 8, 10, 12, 14 and 16 of Fairmount Addition. The Club and a portion of the parking lot is located on lots 2-10, which is zoned "LC" Limited Commercial. The applicant has stated this club will be a nonprofit club which only serves members and member's guests. Therefore, this Lodge will be licensed as a Class A Club, which is permitted by right in the "B", "GO", "LC" and more intensive districts, and not subject to the 200 foot distance rule for drinking establishments. However, a portion of Lot 12 and all of Lots 14 and 16 are zoned "TF-3" Two-Family Zoning District. The Code requires all parking lots located on property zoned "TF-3" to obtain a Conditional Use.

The applicant's site plan shows a 4,980 square foot building, which is being used as the Peerless Princess Lodge. The Office of Central Inspection has allowed the Club to open at this site with a temporary occupancy limit of 60 persons based on the parking spaces in the "LC" zoned area. A parking lot is located on "LC"-zoned land just south of this building with approximately 23 parking spaces. Access to the expanded parking lot is proposed to be provided off of Lorraine. Based on the 37 spaces shown on this site plan, the Peerless Princess Lodge will be limited to an occupancy of 74 persons (the Unified Zoning Code requires taverns and drinking establishments to have 1 parking space for every 2 occupants). If the Conditional Use is approved, the site plan should be redrawn by a professional to more accurately portray the parking layout and internal circulation, and verify the number of spaces.

The application area is surrounded by single-family homes to the north, south and west. However, the area to the east of this property is characterized by commercial uses.

Previously the building and parking area zoned "LC" was occupied by a drinking establishment. The drinking establishment was a nonconforming use, and therefore did not need to meet parking requirements or require approval by the MAPC because of its proximity to residential zoning. However, this establishment has been vacant for longer than two years and is no longer considered a nonconforming use. The Unified Zoning Code Article VII Section G.2 states a "nonconforming use shall be presumed abandoned when any of the following has occurred: (f) The property, if a land use conducted primarily inside of a building, has been vacant or completely inactive for 24 months."

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Peerless Princes Lodge #243
SOUTH:	"TF-3"	Single-Family Residences
EAST:	"LC"	Commercial Properties
WEST:	"TF-3"	Single-Family Residences

PUBLIC SERVICES: The site has access to Lorraine a two-lane local street. Municipal services are available to serve this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low density residential developments.

The Area Treatment Classification Map of the Comprehensive Plan describes this area as a re-establishment area. These areas, as described by the Comprehensive Plan, "would be characterized by lack of private reinvestment, leading to a decline of the built environment, and a deteriorating social organization. To improve these areas would require not just major physical improvements, but also improved social, economic, and educational opportunities.... Solutions to social and economic problems would be given the highest priority for residents of these areas."

The "commercial locational guidelines" state that commercial development "should have required site design features which limit noise, lighting and other activity so as not to adversely impact surrounding residential areas," and that "commercially-generated traffic should not feed directly onto local residential streets."

RECOMMENDATION: The private club is not technically a drinking establishment, but it potentially has many drinking establishment's characteristics, including litter, noise, traffic, and late night activity. Much of that activity may focus around the parking lot being requested in this application, as well as in the building itself. The impact of the proposed parking lot on the surrounding residential area would be reduced if the lot was screened from Lorraine and access provided only to/from 13th Street. There is a parking area along 13th Street to the east of this property, which maybe available for the club's use. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, but only if access is limited to 13th Street, and subject to the following conditions of approval:

- A. Access to and from the parking lot shall be limited to 13th Street, with no access to or from Lorraine.
- B. The parking area shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

- C. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
- D. In no case shall a fee be charged for parking facilities provided hereunder.
- E. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt and shall be maintained in good condition and free of weeds, dust, trash and other debris.
- F. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
- G. Lighting shall be provided and be limited to 15 feet in height, and designed so as to direct or deflect light away from adjacent residential properties.
- H. There shall be no parking in the required 25-foot front yard landscape setback. The applicant shall meet all screening and buffer requirements found in the Unified Zoning Code and the Landscape Ordinance, and in addition, shall construct and maintain a minimum 6 foot solid screening fence along the entire frontage of Lorraine on the front yard setback line.
- I. Prior to the development of the site as a parking area, the applicant shall submit a revised site plan to the traffic engineer and the Planning Department for their approval. This site plan shall be completed by a professional draftsman. The applicant shall also develop and submit a landscape/screening plan in accordance with code requirements for review and approval before the parking lot is developed.
- J. The applicant shall guarantee the closure of the driveways located along Lorraine.
- K. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This site adjoins residential zoning and properties to the west and south. Commercial zoning and uses are located just north and east of the parking lot.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The additional traffic, noise and litter from the parking lot use could

severely impact the neighborhood unless the lot is totally screened from and with no access to Lorraine.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: Unless the property is continuously screened and access prohibited along Lorraine, the request would be inconsistent with the locational guidelines of the Comprehensive Plan.
4. Impact of the proposed development on community facilities: This parking lot should have limited impact on community facilities.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The club is able to open the club on-site and has a temporary occupancy permit of 60 persons. If this Conditional Use is not approved, the occupancy would continue to be limited by the number of parking spaces provided on-site, unless a parking variance was approved by the Board of Zoning Appeals. However, if the Conditional Use is permitted without complete screening and access control along Lorraine, the health, safety and welfare of the neighborhood would decline, due to the increase in noise, traffic, and litter associated with the parking lot.