



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 13, 2005

Matt Catanese
Hope Properties II LP
7701 E. Kellogg Ste 820
Wichita, KS 67207

RE: CON2005-36 – Conditional Use for multi-family residential, on property zoned “TF-3” Two-family Residential. Generally located 100 feet north of 13th Street North and east of Holyoke (1422 N. Holyoke). (District I)

Dear Ladies and Gentlemen:

At its regular meeting on September 22, 2005, the Metropolitan Area Planning Commission 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,

A handwritten signature in black ink, appearing to read 'Jess McNeely'.

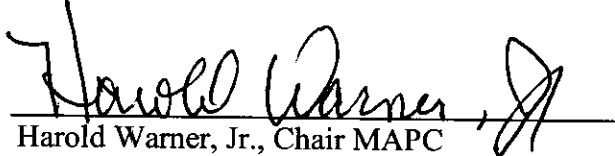
Jess McNeely
Senior Planner
Current Plans Division

JMC/rms

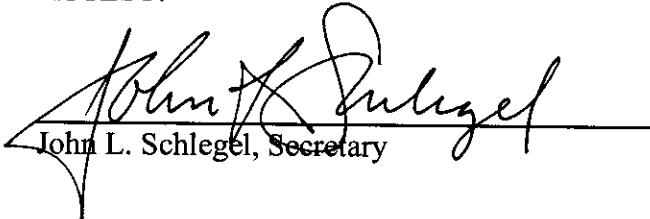
Cc: M. F. West, 1419 Fairmount, Wichita, KS 67208
John Youle, Jeff Grable Assoc., 1300 E. Lewis, Wichita, KS 67211
Carl Brewer, WCC I, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

Adopted this 22nd DAY of SEPTEMBER, 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


Harold Warner, Jr., Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00036

WHEREAS, Hope Properties II LP, Matt Catanese (Owner/Applicant); 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 multi-family residential on 0.26 acre zoned "TF-3" Two-family Residential described as:

Lots 174, 176, 178, 180, 182, 184, 186, 188 and 190, on Holyoke Avenue, and Lots 183, 185, 187 and 189, on Fairmount Avenue, all in Fairmount Addition, an Addition to the City of Wichita, Kansas, Sedgwick County, Kansas. Generally located 100 feet north of 13th Street North and east of Holyoke (1422 N. Holyoke).

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 September 22, 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 multi-family residential on 0.26 acre zoned "TF-3" Two-family Residential described as:

Lots 174, 176, 178, 180, 182, 184, 186, 188 and 190, on Holyoke Avenue, and Lots 183, 185, 187 and 189, on Fairmount Avenue, all in Fairmount Addition, an Addition to the City of Wichita, Kansas, Sedgwick County, Kansas. Generally located 100 feet north of 13th Street North and east of Holyoke (1422 N. Holyoke).

APPROVED, subject to the following conditions:

1. The site shall be subject to all requirements of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. Outdoor lighting shall be limited to 14 feet in height, and shielded away from surrounding properties.
4. The site shall be developed in general conformance with the approved site plan and landscape plan.
5. Construction of improvements shall be completed within one year of approval of the Conditional Use.
6. 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 the Conditional Use null and void.

APPROVED

CON 2005-36 SITE PLAN

Richard L. ...

Date: 10-14-05

CONDITIONAL USE TO ALLOW MULTI-FAMILY IN TF-3 ZONING (0.258 ACRES)

NAME OF APPLICANT: HOPE PROPERTIES II, L.P.

DATE DRAWN 02-22-05
REVISIONS
CITY COMMENTS

PHASE ISSUED 3-2-05
OWNER REVIEW 3-14-05
PHASE 1 REMODEL 4-29-05
PHASE 2 REMODEL 08-16-05
CITY PERMIT 07-19-05
CONSTRUCTION

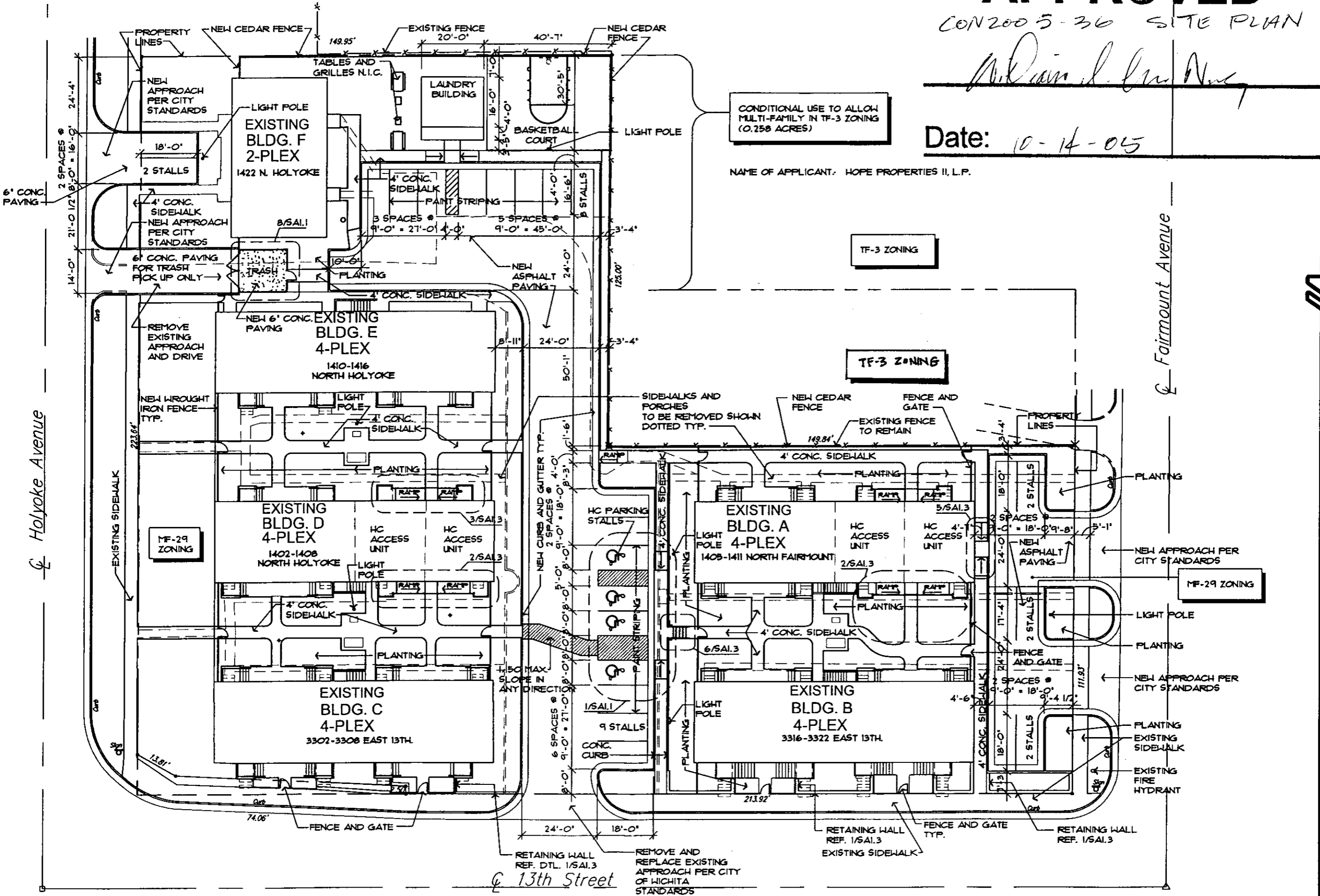
JEFF KREHBIEL ASSOCIATES ARCHITECTURE
1300 E. LINN WICHITA, KS 67211
316.262.4666
http://www.jkrehiel.com

DATE Copyright 2005 Jeff Krehiel Associates

REMODEL FOR: H.O.P.E., INC. APARTMENTS EAST 13TH STREET HOLYOKE FAIRMOUNT WICHITA, KANSAS

PROJECT NUMBER 99102
SHEET TITLE SITE ARCHITECTURAL PLAN & DETAILS

SHEET NUMBER SA1.1



A SITE ARCHITECTURAL PLAN
1" = 30'-0"

CON 2005-36

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects on surrounding properties from use of the multi-family facilities on this site should be minimized by the required screening and landscape buffering.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The "Wichita Functional Land Use Guide" of the Comprehensive Plan designates this area as appropriate for "urban residential" development. The Unified Zoning Code makes provisions for multi-family use as a Conditional Use in "TF-3". This application complies with recognized plans and policies.
5. Impact of the proposed development on community facilities: The request should have no impact on community facilities.

STAFF REPORT

DAB 1, October 3, 2005

MAPC, September 22, 2005

CASE NUMBER: CON2005-00036

APPLICANT/OWNER: Hope Properties II LP, Matt Catanese (Owner/Applicant)

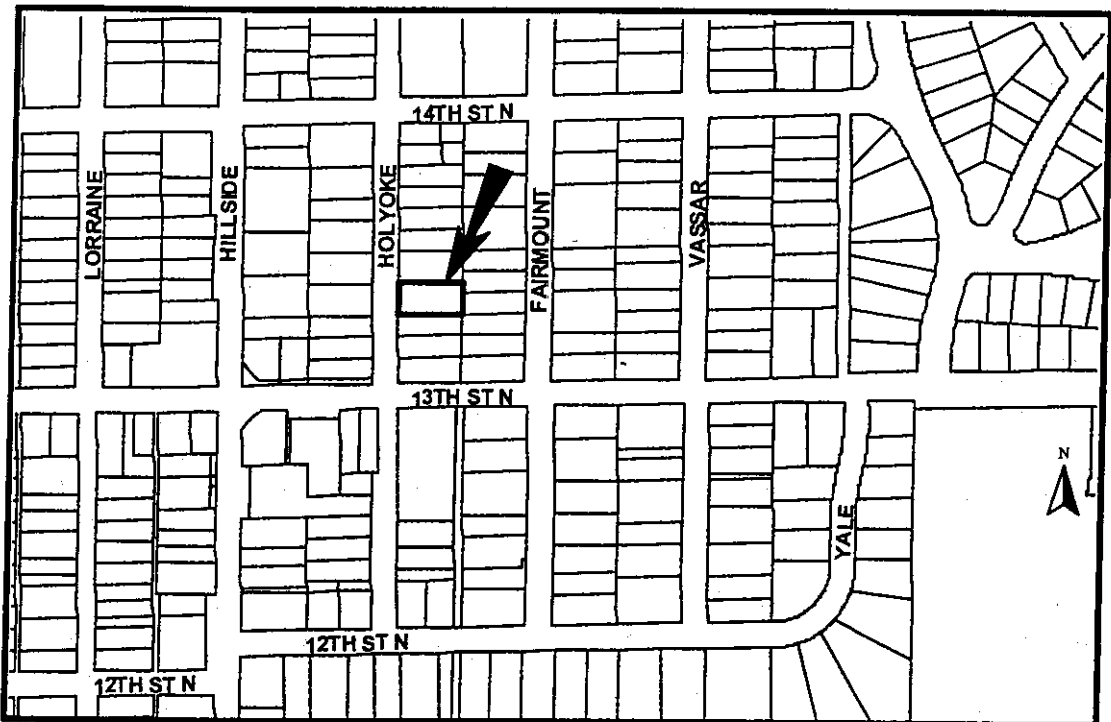
REQUEST: Conditional Use for multi-family residential

CURRENT ZONING: "TF-3" Two-family Residential

SITE SIZE: 0.26 acres

LOCATION: 100 feet north of 13th Street North and east of Holyoke (1422 N. Holyoke)

PROPOSED USE: Multi-family use to include parking, recreation facilities, and a laundry facility



BACKGROUND: The applicant requests a Conditional Use to allow multi-family use in TF-3 Two-family zoning on a 0.26-acre platted lot. The site is developed with a duplex, and the attached site plan indicates that it will remain a duplex. However, the site is being redeveloped (as indicated on the attached site plan) as part of a larger multi-family development, to include parking, recreational facilities, and a laundry facility – all to be used by the larger multi-family development. The site is located north of 13th Street North and on the east side of Holyoke, the site currently has access from both 13th and Holyoke, and is proposed to maintain access from 13th and Holyoke.

The character of the surrounding area is a mixture of single-family, two-family, and fourplex residential development. North and east of the site is TF-3 zoning with a mixture of single and two-family development. South of the site is MF-29 zoning with fourplex development, and west of the site is a mix of TF-3 and MF-29 zoning with single and two-family uses.

Multi-family use is a Conditional Use in the TF-3 zoning district, allowing more than two dwellings per legal lot, but maintaining the TF-3 density requirement of a 3,000 square foot minimum area per dwelling unit. The *Unified Zoning Code* (UZC) would require screening and landscaping between the proposed multifamily use and existing TF-3 zoning to the north and east.

CASE HISTORY: The property was platted as Lots 174, 176, and 178 of the Fairmount Addition in 1887. The property was granted an administrative adjustment in 2005 reducing the parking requirement from 27 to 23 spaces, and permitting parking within the front and street side setbacks.

ADJACENT ZONING AND LAND USE:

NORTH:	“TF-3”	Single-family and two-family residences
SOUTH:	“MF-29”	Fourplexes
EAST:	“TF-3”	Single-family and two-family residences
WEST:	“TF-3”, “MF-29”	Single-family and two-family residences

PUBLIC SERVICES: The subject property has access to both 13th Street North and Holyoke, Holyoke is a paved residential street with a 60-foot right-of-way. 13th Street is a four-lane arterial with a 60-foot right-of-way at this location; the “2030 Transportation Plan” of the Comprehensive Plan indicates that it will remain a four-lane arterial. The subject property is connected to public water and sewer. As this request does not increase the actual residential density on the site, no impacts on public services are anticipated.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Functional Land Use Guide” of the Comprehensive Plan designates this area as appropriate for “urban residential” development, which is defined to include a range of housing types and residential-serving uses. The application area is within the recently approved Central-Northeast Area Plan, which does not address the residential land use issues of this request. As recommended for approval, this request conforms with adopted policies.

RECOMMENDATION: The application area seeks a Conditional Use for multi-family so that facilities (parking, recreational, and laundry) can be placed on this site to be used by the greater multi-family development. The Conditional Use will be subject to an approved site plan. ~~The submitted plans show the application area dwelling unit remaining a duplex, therefore the actual residential density on the site will not be increased.~~ The site plans also call out the necessary screening and landscape buffer, which should mitigate potential negative effects on the residences to the north and east. Based upon information available prior to the public hearing, Staff recommends that the request be **APPROVED**, subject to the following conditions:

1. The site shall be subject to all requirements of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. Outdoor lighting shall be limited to 14 feet in height, and shielded away from surrounding properties.
4. The site shall be developed in general conformance with the approved site plan and landscape plan.
5. Construction of improvements shall be completed within one year of approval of the Conditional Use.
6. 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 the Conditional Use null and void.

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

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is a mixture of single-family, two-family, and fourplex residential development. North and east of the site is TF-3 zoning with a mixture of single and two-family development. South of the site is MF-29 zoning with fourplex development, and west of the site is a mix of TF-3 and MF-29 zoning with single and two-family uses. The proposed Conditional Use for multi-family is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used for a two-family residence. Multi-family is allowed as a "Conditional Use" in TF-3; the applicant-submitted site plan demonstrates that the site will continue to be used as a two-family residence, but will have onsite facilities for the greater multi-family development.