



Wichita-Sedgwick County Metropolitan Area Planning Department

October 8, 2007

Donald Vaughn
249 N. Athenian, #101
Wichita, KS 67202

RE: CON2007-33 – City Conditional Use for multi-family residential on property zoned "TF-3" Two-family Residential, generally located east of Hillside Avenue, north of Central Avenue, on the northeast corner of Murdock and Vassar Avenues.

Dear Ladies and Gentlemen:

At its regular meeting on October 4, 2007, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of MAPC was to **APPROVE** the request, subject to the following conditions:

- A. The maximum number of dwelling units allowed on the site shall be no more than 15 dwelling units as converted from the existing Alcott school building and the existing single-story outbuilding/classroom.
- B. The site shall be developed in general conformance with the approved site plan, showing the required solid screening and landscape buffering between the site and the adjacent residences, solid screening with gates around all dumpster, any proposed pole lighting to be no taller than 17-foot (including base/pedestal) and directed onto the site away from the adjacent residences and any other applicable development requirements. An approved landscape plan will identify all proposed and existing landscaping, noting its size and how it will be maintained.
- C. If the Zoning Administrator finds that there is a violation of any of the conditions of approval of this Conditional Use, the Zoning Administrator with the concurrence of the Planning Director may, in addition to enforcing any remedies set forth in Article VIII of the Unified Zoning Code, declare the Conditional Use null and void.

NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk providing new facts on the issue or alleging an unfair hearing. The Council will

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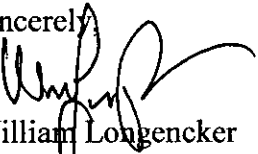
determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing. Such petitions may cause the City Council to review the decision of the MAPC, and either reverse their decision or return the matter to the MAPC for reconsideration.

If there are no valid appeals or protest petitions filed opposing this action by **October 18, 2007**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



William Longencker
Senior Planner
Current Plans Division

WL/mc

Copies to: Unified School District #259, 201 N. Water, Wichita, KS 67202
PEC, P.A., Attn: Robert Hartman, 303 S. Topeka, Wichita, KS 67202
Teri and Nathan Houser, 3401 Country Club Place, Wichita, KS 67208
Lavonta Williams, WCC I, Mail Stop #1-13
Virdena Gilkey, NA WCC I, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71

CONDITIONAL USE RESOLUTION NO. CON2007-00033

WHEREAS, Donald D. Vaughn (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 to permit Multi-family Residential development on approximately 2.104-acre zoned "TF-3" Two-family Residential described as:

Even Lots 2 to 28, inclusive, on Murdock Avenue, Country Club Place Addition and Odd Lots 1 to 27, inclusive, on Orchard Street, Country Club Addition, Wichita, Sedgwick County, Kansas. Generally located east of Hillside Avenue, north of Central Avenue, on the northeast corner of Murdock and Vassar Avenues.

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 October 4, 2007, 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 Multi-family Residential development on approximately 2.104-acre zoned "TF-3" Two-family Residential described as:

Even Lots 2 to 28, inclusive, on Murdock Avenue, Country Club Place Addition and Odd Lots 1 to 27, inclusive, on Orchard Street, Country Club Addition, Wichita, Sedgwick County, Kansas. Generally located east of Hillside Avenue, north of Central Avenue, on the northeast corner of Murdock and Vassar Avenues.

Subject to the following conditions:

- (1) The maximum number of dwelling units allowed on the site shall be no more than 15 dwelling units as converted from the existing Alcott school building and the existing single-story outbuilding/classroom.
- (2) The site shall be developed in general conformance with the approved site plan, showing the required solid screening and landscape buffering between the site and the adjacent residences, solid screening with gates around all dumpster, any proposed pole lighting to be no taller than 17-foot (including base/pedestal) and directed onto the site away from the adjacent residences and any other applicable development requirements. An approved landscape plan will identify all proposed and existing landscaping, noting its size and how it will be maintained.
- (3) If the Zoning Administrator finds that there is a violation of any of the conditions of approval of this Conditional Use, the Zoning Administrator with the concurrence of the Planning Director may, in addition to enforcing any remedies set forth in Article VIII of the Unified Zoning Code, declare the Conditional Use null and void.

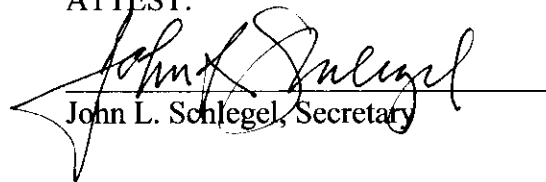
Adopted this 15th DAY of NOVEMBER 2007. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

A handwritten signature in black ink, appearing to read "M.S. Mitchell", written over a horizontal line.

M.S. Mitchell, Chair MAPC

ATTEST:

A handwritten signature in black ink, appearing to read "John L. Schlegel", written over a horizontal line. To the left of the signature is a large, stylized arrow pointing to the left.

John L. Schlegel, Secretary

STAFF REPORT

DAB I October 1, 2007

MAPC October 4, 2007

CASE NUMBER: CON2007-00033

APPLICANT/OWNER: Donald D Vaughn/USD 259

AGENT: PEC, PA c/o Rob Hartman

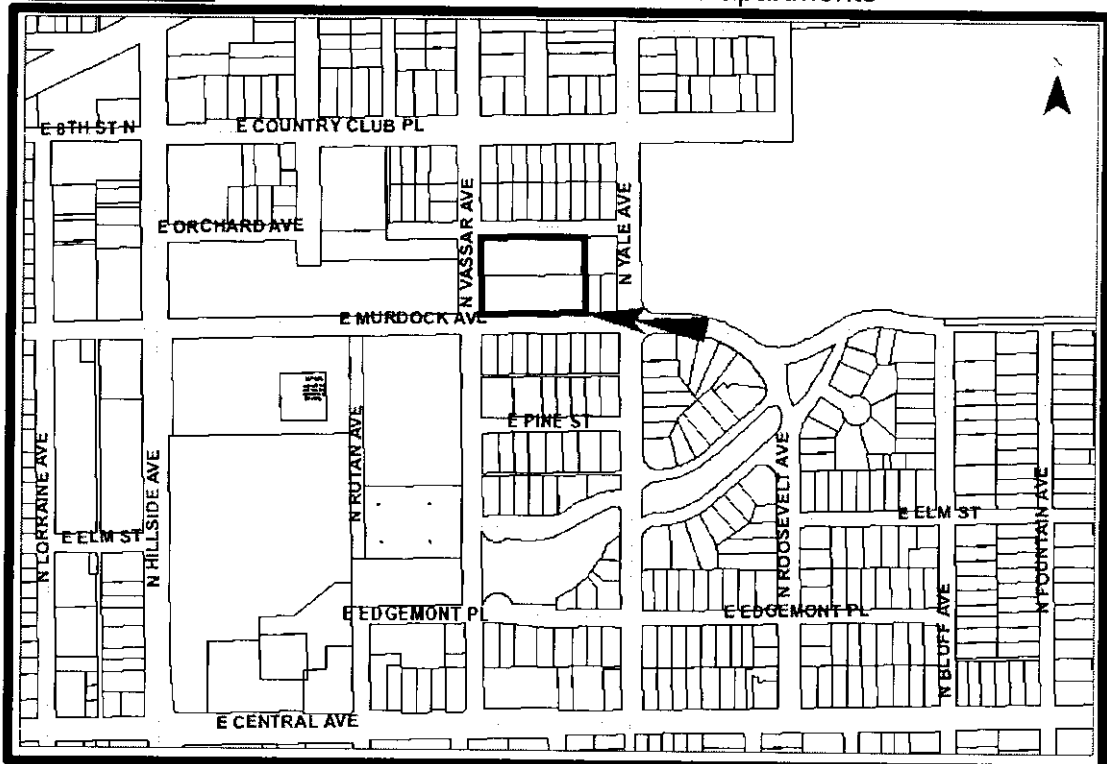
REQUEST: Conditional Use to allow Multi-family Residential development

CURRENT ZONING: "TF-3" Duplex Residential

SITE SIZE: 2.104-acres

LOCATION: East of Hillside Avenue, north of Central Avenue, on the northeast corner of Murdock and Vassar Avenues

PROPOSED USE: Remodel Alcott School into apartments



BACKGROUND: The Unified Zoning Code (UZO) permits multi-family residential uses in the "TF-3" Duplex Residential zoning district as a Conditional Use provided the maximum density does not exceed 14.5 dwelling units per acre. The applicant is seeking a Conditional Use to remodel the vacant Alcott School into 15 apartments (dwelling units) on the "TF-3" zoned 2.104-acre platted site, thus triggering the need for the Conditional Use since multi-family uses are not a use permitted "by right" in the "TF-3" district. As proposed there will be 7.129 dwelling units per acre.

The area is a mix of vital residential (mostly single-family) neighborhoods following the outline of a 146-acre City golf course and abutting one of the larger medical complexes in Wichita. West of the site, across Vassar Avenue, is the Wesley Medical complex and the Wichita Children's Home facilities. These properties are zoned "B" Multi-family Residential, "GO" General Office, and "TF-3." Wesley is the largest development and employer in the area. North and south of the site (across Orchard Avenue and Murdock Avenue), properties are zoned "TF-3" and are developed as single-family residences, mostly built in the 1920s and 1930s (per GIS scan) and platted as the Country Club Place Addition (2-15-1923) and the Grandview Terrace Addition (1-8-1910). Properties east of the site, across Yale Avenue, are zoned "TF-3" and are developed as the MacDonald golf course (City Parks) and single-family residences, all zoned "TF-3." Most of the single-family residences were built in the 1930s and platted as the Sleepy Hollow Addition (1-23-1930). Vassar Avenue separates the medical/institutional development on its west side (to Hillside Avenue) from the mostly single-family residential development built around MacDonald golf course on its east side. The nearest multi-family residential development appears to a group of "B" zoned four-plexes (1930s) and small apartments (1950s) located approximately 3-blocks southeast of the site.

The submitted site plan shows the two-story Alcott school building to remain and be remodeled as apartments, it also shows the existing single-story outbuilding/classroom to remain and be remodeled as part of the apartment complex. The plan shows a proposed covered parking area, with 28 spaces, located on the north side of the site, where the playground and a communication tower and enclosure are currently located. One point of entrance/exit is shown onto Vassar Avenue. Existing trees are shown, including those located in the Murdock Avenue right-of-way (ROW). The applicant proposes to retain the existing trees and bushes, including 64 trees serving as a buffer between the apartments and the abutting eastern single-family residences. Development of the site will require compliance with all required zoning, landscaping, screening/buffering, parking, code, permits and inspections.

CASE HISTORY: The site is part of the Country Club Place Addition, which was recorded with the Register of Deeds January 10, 1910. The Alcott school was built in 1926 as an elementary to middle school for the surrounding neighborhood. Alcott closed in 2006, when it was being used as an alternative school.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family residences
SOUTH:	"TF-3"	Single-family residences
EAST:	"TF-3," "B"	Single-family residences, golf course, small apartments, four-plexes
WEST:	"GO," "B," "TF-3"	Medical complex/hospital, children's home, single-family residences

PUBLIC SERVICES: All public services are available. Murdock Avenue at this location is classified as an urban collector. Orchard and Vassar Avenues are local streets. Orchard has 50-feet of right-of-way at this location, but runs only between Vassar and Yale Avenues, a short block in front of the site, with no immediate chances for extending east or west, because of MacDonald golf course and the Wesley complex respectively.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Functional Land Use Guide Map" identifies the site as "major institutional," with intended uses being government facilities, military bases, libraries, schools, cemeteries, churches, hospitals, and medical treatment facilities. In this particular case the "Guide" is probably recognizing the Alcott school building and USD 259's ownership of the site. The observation could also be made that because of the site's adjacent proximity to Wesley, a possible future expansion of Wesley (via a zone change) could be a possibility, with the "major institutional" classification of the site lending some support to this reasoning. Contrary to this reasoning is the fact that Vassar Avenue separates the medical/institutional development located on its west side from the urban residential development located on its east side.

The site is abutting an area identified by the "Guide" as "urban residential," which reflects the full diversity of residential development densities found in a large urban municipality. The proposed conversion of the Alcott school building to apartments (at 7.129 dwelling units per acre), via a Conditional Use to permit multi-family residential development in "TF-3" zoning conforms to the "urban residential" category. The site is also located within the "Central Northeast Area Plan" (Ord #46-657 & Resolution #158-05), which has as a stated strategy the development of new rental property in the area as part of the overall goal of improving the housing stock for this area. The proposed Conditional Use to convert the school to apartments conforms to the plan and its stated goals.

The site's current "TF-3" zoning is intended to accommodate moderate-density single-family and duplex residential development, as well as very limited density multi-family development and other complementary land uses. Minimum lot size for duplex units is 3,000 square feet per dwelling unit or 6,000 square feet per duplex unit.

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

A. The maximum number of dwelling units allowed on the site shall be no more than 15 dwelling units as converted from the existing Alcott school building and the existing single-story outbuilding/classroom.

B. The site shall be developed in general conformance with the approved site plan, showing the required solid screening and landscape buffering between the site and the adjacent residences, solid screening with gates around all dumpster, any proposed pole lighting to be no taller than 17-foot (including base/pedestal) and directed onto the site away from the adjacent residences and any other applicable development requirements. An approved landscape plan will identify all proposed and existing landscaping, noting its size and how it will be maintained.

C. If the Zoning Administrator finds that there is a violation of any of the conditions of approval of this Conditional Use, the Zoning Administrator with the concurrence of the Planning Director may, in addition to enforcing any remedies set forth in Article VIII of the Unified Zoning Code, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is a mix of vital residential (mostly single-family) neighborhoods following the outline of a 146-acre City golf course and abutting one of the larger medical complexes in Wichita. Zoning of the Wesley Medical complex/area located on the west side of Vassar Avenue (west of the site) is zoned mostly "GO, some "TF-3" zoning, with even less "B" zoning. The residential area located on the east side of Vassar is zoned "TF-3," with the exception of a group of "B" zoned four-plexes, small apartments and duplexes located 3-4 blocks east of the site, on the north side of Elm Street, from Roosevelt Avenue, to both sides of Bluff up to Mudock Avenue.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed as currently zoned, as either duplexes or single-family residences, although the Alcott school would have to be torn down for this to happen. The site's current "TF-3" zoning is intended to accommodate moderate-density single-family and duplex residential development, as well as very limited density multi-family development, such as the proposed apartment, and other complementary land uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally affect nearby property to any significant degree. Converting the Alcott school building to apartments while retaining and maintaining its distinctive 1926 school architecture will allow a neighborhood landmark to continue to be a vital presence in the neighborhood.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposal is consistent with the adopted

“Central Northeast Area Plan” with its goal of infill development and reinvestment in the area’s housing. Although the “Wichita Functional Land Use Guide Map” depicts the site as appropriate for “major institutional,” the site’s location on the east side of Vassar Avenue as well as its current “TF-3” zoning and the proposed Conditional Use for multi-family residential fits in with that area’s designation of “urban residential”, which reflects the full diversity of residential development densities found in a large urban municipality and to which the request conforms to.

5. Impact of the proposed development on community facilities: Traffic on the existing urban collector street, Murdock Avenue, and Vassar Avenue will increase, however existing facilities are in place to accommodate increased traffic. Other community services are available.