



Wichita-Sedgwick County Metropolitan Area Planning Department

November 3, 2008

Ray Development Group, LLC.
329 N. Lancaster
Wichita, KS 67230

RE: CON2008-00040 - City Conditional Use to allow ancillary parking on property zoned SF-5 Single-family Residential, generally located approximately 237 feet south of east Central Avenue, on the east side of Dowell Street.

Dear Ladies and Gentlemen:

At its regular meeting on September 25, 2008, the Wichita - Sedgwick County 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 application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Dale Miller'.

Dale Miller
Current Plans Manager
Current Plans Division

DLM:mc
Enclosure

Copies to: Fountains, Kimberly Day, P. O. Box 781579, Wichita, KS 67278
Minneha Township, Don Stephan, 35 Via Verde, Wichita, KS 67230
Preston Trails, Deb Hoyer, P.O. Box 783042, Wichita, KS 67278
WCC II, Susan Schlapp, Mail Stop 1-13
N.A. II, Antoine Sherfield, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
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

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CONDITIONAL USE RESOLUTION NO. CON2008-00040

WHEREAS, Ray Development Group, LLC(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 ancillary parking on 0.08 acre zoned "SF-5" Single-family Residential described as:

The north 20 feet of Reserve B, The Fountains Second Addition, Wichita, Sedgwick County, Kansas.
Generally located 237 feet south of East Central Avenue, east of Dowell (416 Dowell).

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 25, 2008, 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 0.08 acres zoned "SF-5" Single-family Residential described as:

The north 20 feet of Reserve B, The Fountains Second Addition, Wichita, Sedgwick County, Kansas.
Generally located 237 feet south of East Central Avenue, east of Dowell (416 Dowell).

APPROVED, subject to the following conditions:

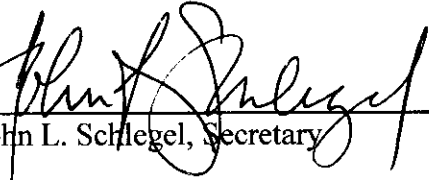
1. The site shall be developed in substantial conformance with the approved site plan. Evergreen or a masonry wall shall be used to fill in any gaps in the existing screening wall.
2. Any lighting standards placed on this site shall be no taller than 15 feet, including any base.
3. The site shall be maintained in conformance with all applicable codes, including Article III, Section D. 6. p of the Wichita-Sedgwick County Unified Zoning Code, unless modified by this Conditional Use.
4. If any of the utility managers determine it is necessary to move any of the utilities utilizing the reserve, the cost of moving those utilities shall be the applicants.
5. Compatibility setbacks standards are waived for the placement of a trash enclosure within 20 feet of the application area.
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 that the Conditional Use is null and void.

Adopted this 25th DAY of September, 2008. 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


Darrel Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

MAPC 9-25-08

DAB II 10-06-08

CASE NUMBER: CON2008-00040

APPLICANT/AGENT: Ray Development Group, LLC

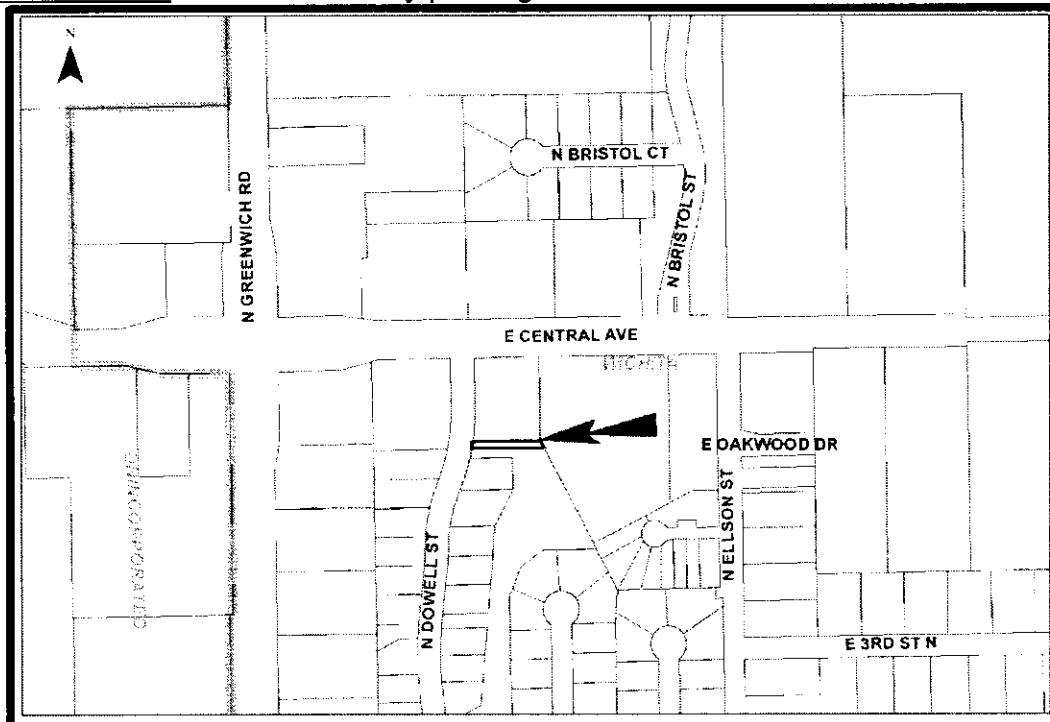
REQUEST: "Ancillary Parking" on property zoned SF-5 Single-family Residential

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: 3,740 square feet

LOCATION: Approximately 237 feet south of east Central Avenue, east of Dowell (east of Greenwich, south of east Central, 416 Dowell)

PROPOSED USE: Ancillary parking



BACKGROUND: The application area is the north 20 feet of Reserve B of The Fountains Second Addition located approximately 237 feet south of east Central Avenue, east of Dowell Street, and contains approximately 3,740 square feet. The site is zoned SF-5 Single-family Residential ("SF-5"), however the applicant is seeking a Conditional Use to permit "ancillary parking" for eight spaces to support a proposed retail center zoned LC Limited Commercial ("LC") on the land located immediately north of the subject site. A site plan is attached for reference. The subject site is part of a much larger reserve that was platted in 1996. Use of the reserve is restricted to: drainage, sidewalks, utilities, landscaping, playground and/or recreational improvements; therefore a companion case to this conditional use application (VAC2008-00029) has been filed to remove the site from Reserve B and its use limitations. The Subdivision Committee is scheduled to hear the vacation request on September 18, 2008. If approved, the northern and most westerly end of Reserve B will be reduced from a width of approximately 46 feet to approximately 26 feet. At this location, there is a residential lot, developed with a home that abuts the reserve's southern border.

An existing screening wall is located south of the proposed parking area, and the site plan proposes to retain the wall. Landscaping per code is also proposed. A dumpster, screened per code, is also shown within the application area. The site plan does not indicate if there will be light standards in the proposed parking area or if the lighting will be light packs attached to the building.

CASE HISTORY: The Fountains Second Addition was approved by the Wichita City Council on September 25, 1996.

ADJACENT ZONING AND LAND USE:

NORTH: LC Limited Commercial
SOUTH: SF-5 Single-family Residential
EAST: LC Limited Commercial
WEST: SF-5 Single-family Residential

PUBLIC SERVICES: All necessary services are available. Utilities are present in the reserve.

CONFORMANCE TO PLANS/POLICIES: Good planning practice calls for appropriate buffers between commercial activities and residential uses. In this circumstance the proposed use is screened by an existing screening wall, and buffered by approximately 26 feet of dedicated reserve area that permits limited uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to any conditions of approval included in the companion vacation application (VAC 2008-00029) and the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. Any lighting standards placed on this site shall be no taller than 15 feet, including any base.
3. The site shall be maintained in conformance with all applicable codes, including Article III, Section D. 6. p of the Wichita-Sedgwick County Unified Zoning Code, unless modified by this conditional use.
4. If any of the utility managers determine it is necessary to move any of the utilities utilizing the reserve, the cost for moving those utilities shall be the applicants.
5. 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.

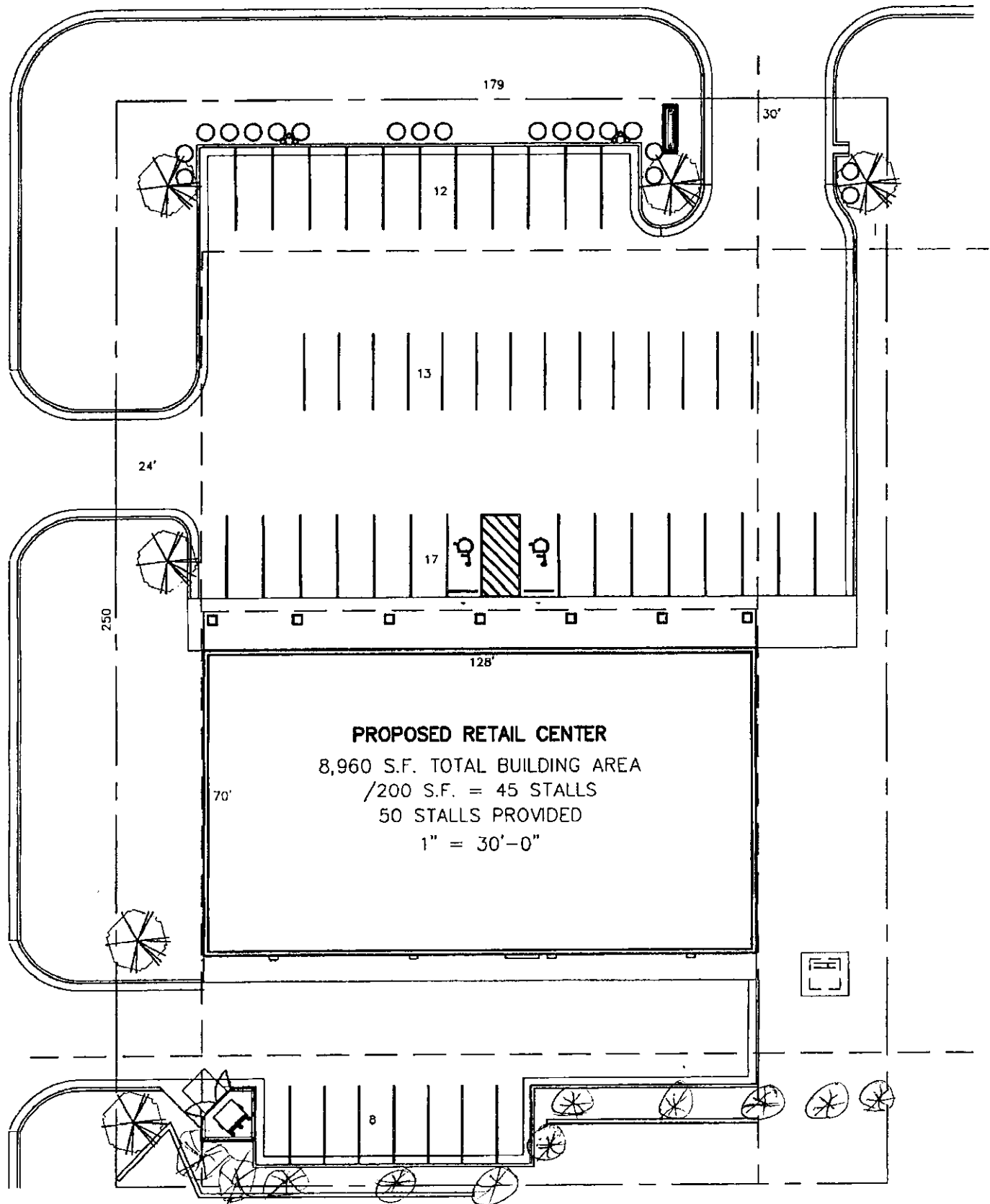
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property located to the north and east is zoned LC while property located to the west and south is zoned SF-5. The application area is located on the edge between residential and non residential uses. If this request and the companion vacation case are approved, the transition area will be effectively moved to the southern side of the application area. In general the neighborhood is a mix of developed and developing lots with both residential and non residential uses.
2. The suitability of the subject property for the uses to which it has been restricted: Approval of the request will allow only ancillary parking. The property could continue to be used for the plat restricted SF-5 uses allowed.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed conditions of approval should minimize anticipated impacts. It is staff's understanding that the property owners' association sold this property to the applicant, and the nearby lot owners are part of the original development. Therefore, they must not have perceived the sale of part of the reserve to the applicant as having a negative impact on nearby properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would presumable create a hardship on the adjacent commercial site as they are required by code to provide 45 stalls; they are able to provide 50 including the eight proposed to be located on the application area. Off-site parking is preferred from a public safety standpoint, so approval of the request would be supportive of that preference.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Good planning practice calls for appropriate buffers between commercial activities and residential uses. In this circumstance the proposed eight parking spaces are screened by an existing screening wall, and buffered by approximately 26 feet of dedicated reserve area that permits a limited number of uses.

6. Impact of the proposed development on community facilities: There are utilities present in the reserve. When the MAPC considers this request, the Commission should take into account comments provided by staff and the various utilities' managers to the Subdivision Committee.

CENTRAL AVENUE

DOWELL



SITE LAYOUT PLAN

1" = 30'-0" - OPTION A4

