

CONDITIONAL USE RESOLUTION NO. CON-2002-00018

WHEREAS, Leewood Homes, Inc. (owner), MKEC Engineering Consultants, (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use for ancillary parking, on 2.85 acres zoned "SF-5" Single-Family Residential described as:

BEGINNING at a point on the South line of said Northeast quarter, said point being 320.00 feet West of the southeast corner of said Northeast Quarter, thence along said South line on a NAD 83 Kansas South Zone Grid bearing of S 88 degrees 51'49" W, 633.17 feet to the Northwest corner of Lot 1, Block 1, Woodlawn Place 2nd Addition, an addition to Wichita, Sedgwick County, Kansas; thence N 49 degrees 36'07" W, 256.38 feet to a point 170.00 feet North of said South line; thence parallel with said South line N 88 degrees 51'49"E, 826.31 feet to a point 320.00 feet West of the East line of said Northeast Quarter; thence parallel with said East line S 00 degrees 43'25"E, 170.00 feet to the POINT OF BEGINNING. Said tract containing 124,056 square feet of 2.85 acres of land, more or less. Generally located 270 feet west of Woodlawn approximately 1/10 mile north of Mainsgate Street.

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 May 9, 2002, 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 for ancillary parking, on 2.85 acres zoned "SF-5" Single-Family Residential described as:


BEGINNING at a point on the South line of said Northeast quarter, said point being 320.00 feet West of the southeast corner of said Northeast Quarter, thence along said South line on a NAD 83 Kansas South Zone Grid bearing of S 88 degrees 51'49" W, 633.17 feet to the Northwest corner of Lot 1, Block 1, Woodlawn Place 2nd Addition, an addition to Wichita, Sedgwick County, Kansas; thence N 49 degrees 36'07" W, 256.38 feet to a point 170.00 feet North of said South line; thence parallel with said South line N 88 degrees 51'49"E, 826.31 feet to a point 320.00 feet West of the East line of said Northeast Quarter; thence parallel with said East line S 00 degrees 43'25"E, 170.00 feet to the POINT OF BEGINNING. Said tract containing 124,056 square feet of 2.85 acres of land, more or less. Generally located 270 feet west of Woodlawn approximately 1/10 mile north of Mainsgate Street.

subject to the following conditions:

1. An opaque wall with a height of between six and eight feet shall be required to prevent the passage of debris and light and to mitigate adverse visual impacts shall be installed in a five-foot wall easement to be located along the north and east line of the subject tract. The wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire).
2. A landscape buffer of at least one tree every 40 feet shall be installed along the screening wall.
3. The mature hedgerow along the south line of the subject tract shall be preserved except for at the openings for the two 25-foot circulation drives.
4. Lighting standards in the ancillary parking lot shall be shielded downward and away from the surrounding tracts and otherwise meet lighting requirements of the UZC (Sec. IV-B.4), but with a maximum height of poles and fixtures of 14 feet.
5. The Conditional Use shall be developed in general conformance with a site plan revised to meet these conditions. Any substantial change in the revised site plan shall require an amendment to this Conditional Use.
6. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC"), all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC.
7. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
8. If the Zoning Administrator finds that there is a violation of any of the conditions of a Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII hereof, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

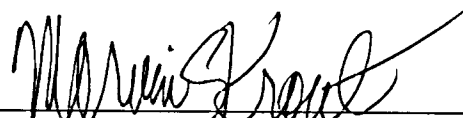
Adopted this 9th day of MAY, 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, 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



J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:



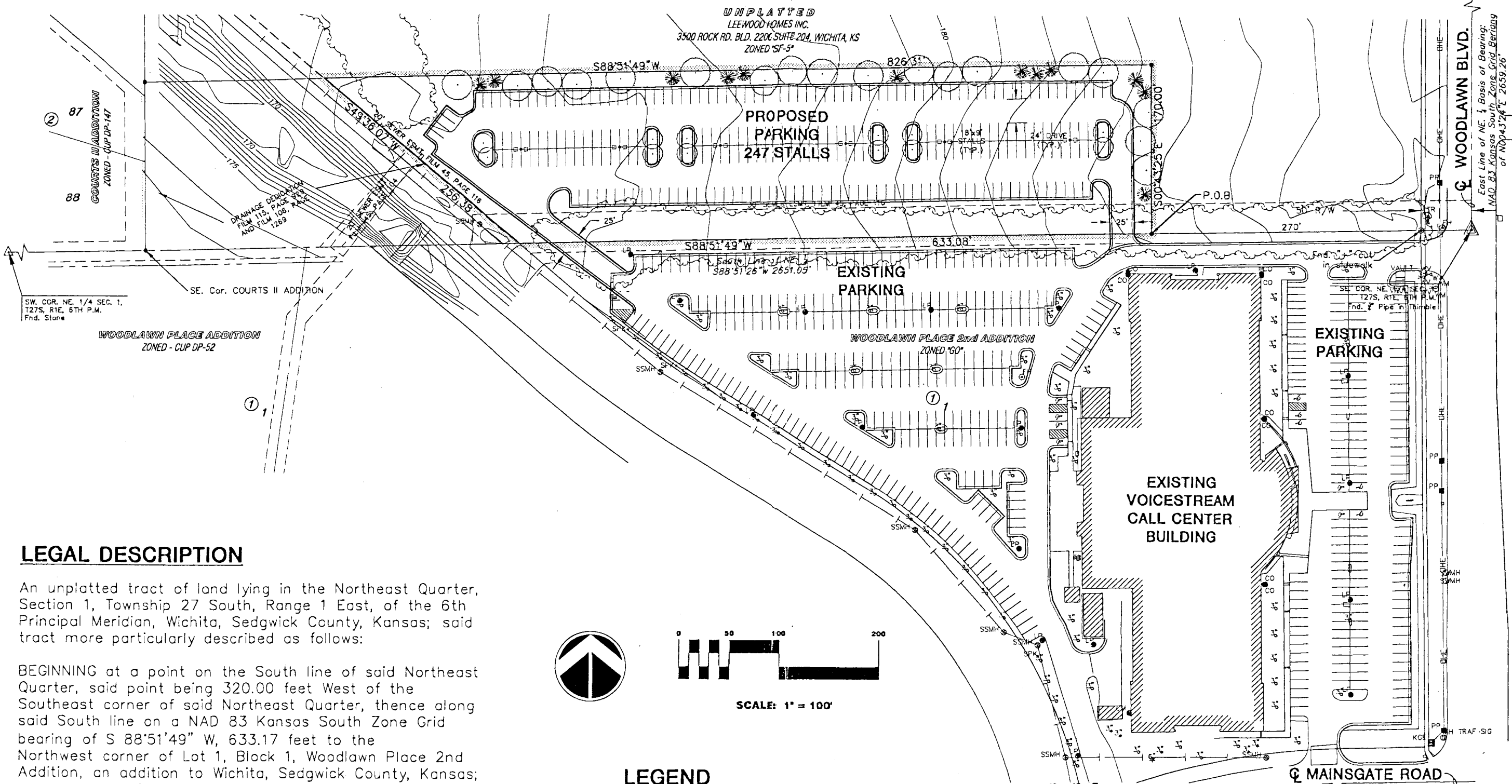
Marvin S. Krout, Secretary

VOICESTREAM ADDITION

AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

NE 1/4 SEC. 1,
T27S, R1E, 5TH P.M.
Fnd. 2" Pipe in Thimble

29TH ST. N.

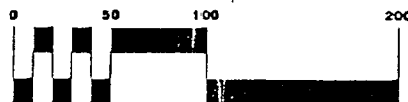


FILE COPY

LEGAL DESCRIPTION

An unplatted tract of land lying in the Northeast Quarter, Section 1, Township 27 South, Range 1 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract more particularly described as follows:

BEGINNING at a point on the South line of said Northeast Quarter, said point being 320.00 feet West of the Southeast corner of said Northeast Quarter, thence along said South line on a NAD 83 Kansas South Zone Grid bearing of S 88°51'49" W, 633.17 feet to the Northwest corner of Lot 1, Block 1, Woodlawn Place 2nd Addition, an addition to Wichita, Sedgwick County, Kansas; thence N 49°36'07" W, 256.38 feet to a point 170.00 feet North of said South line; thence parallel with said South line N 88°51'49" E, 826.31 feet to a point 320.00 feet West of the East line of said Northeast Quarter; thence parallel with said East line S 00°43'25" E, 170.00 feet to the POINT OF BEGINNING. Said tract containing 124,056 square feet or 2.85 acres of land, more or less.



SCALE: 1" = 100'

LEGEND

- △ = SECTION CORNER MONUMENT FOUND
- ⊙ = FOUND PROPERTY CORNER
- = SET 5/8" REBAR W/ MKEC CLS #39 CAP

SITE PLAN

APPROVED 05/24/02 BY DB

 MKEC ENGINEERING CONSULTANTS 411 N. WEBB ROAD WICHITA, KS. 67208 314 - 484 - 9800	SITE PLAN FOR VOICESTREAM PARKING LOT EXPANSION PROJECT NAME		
	CONDITIONAL USE APPLICATION APPLICANT: LEEWOOD HOMES, INC. SHEET TITLE		
	MKEC DESIGN BY	LAB DRAWN BY	GJA CHECKED BY
	APRIL 2002 DATE	02005 JOB NO.	1 / 1 SHEET/OF



STAFF REPORT
MAPC May 9, 2002

CASE NUMBER: CON2002-00018

APPLICANT/AGENT: Leewood Homes, Inc. (owner); MKEC Engineering Consultants, Inc., c/o

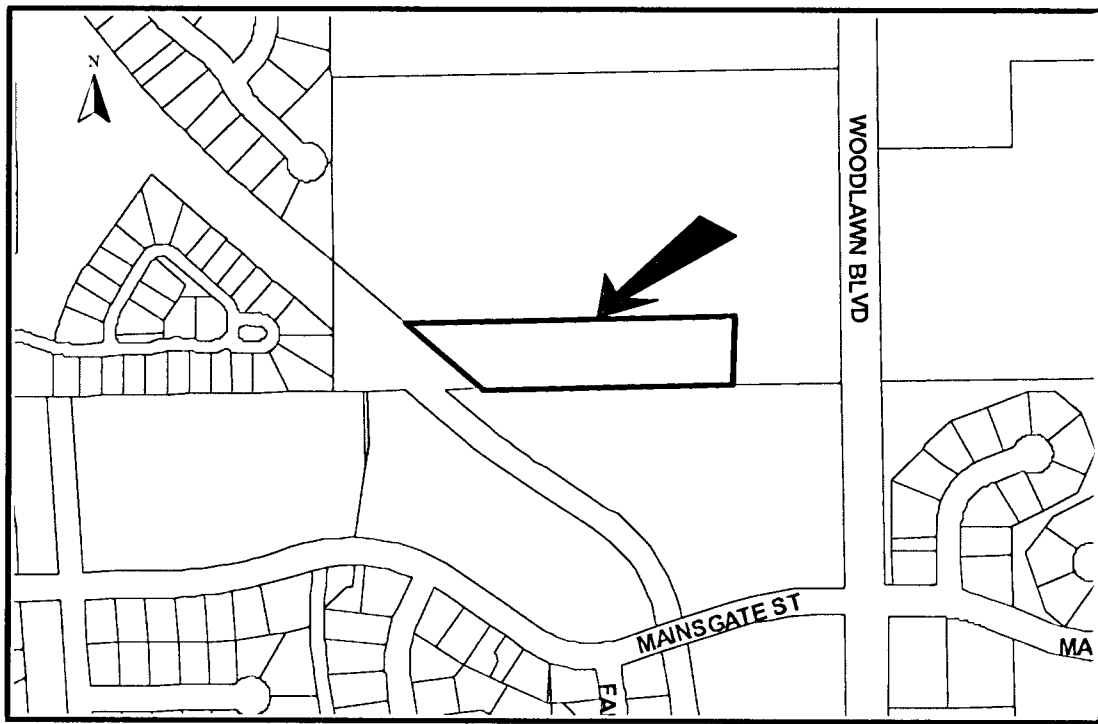
REQUEST: Conditional Use for ancillary parking

CURRENT ZONING: "SF-5" Single-Family Residential

SITE SIZE: 2.85 acres

LOCATION: 270 feet west of Woodlawn approximately 1/10 mile north of Mainsgate Street

PROPOSED USE: Ancillary parking for adjoining office building



BACKGROUND: The applicant is requesting a "Conditional Use" to allow ancillary parking on property zoned "SF-5" Single-Family. The site is located north of the existing parking lot for the VoiceStream Wireless Call Center office on the west side of Woodlawn approximately 1/10 mile north of Mainsgate Street. The proposed ancillary parking lot is situated 270 feet west of Woodlawn and leaves a gap between the street and the lot. The applicant has not indicated the future use for the land in the "gap", but staff would speculate that it would be marketed for office (contingent on rezoning) or similar use. Access to the lot would be from two drives connecting the open field with the existing parking area; with these drives being cut through an existing hedgerow of mature deciduous trees. The amount of parking located on the existing VoiceStream site meets Unified Zoning Code requirements. It is staff's understanding that VoiceStream needs more parking than the Code requires because they intend to add additional employees to the Call Center, and this results in a higher density of employees per square foot of office space than at typical office facilities.

The site plan shows 247 new parking stalls and two circulation drives. The parking lot is planned to preserve the majority of the existing hedgerow. The applicant had requested that a landscape buffer of trees without a screening wall be allowed on the north side of the property adjacent.

Except for the office use to the south (VoiceStream), the surrounding property is zoned "SF-5". The tract to the west is developed with residences and is part of DP-147 Beacon Hill Residential C.U.P. A channelized drainage way (also known as Crooked Creek) is located to the southwest. Apartments in the DP-52 Quail Creek C.U.P. development are located to the south of the drainage way.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Vacant, new elementary school under construction
SOUTH:	"GO"; MF-29	VoiceStream Wireless Call Center, apartments, drainage way
EAST:	"SF-5"	Vacant
WEST:	"SF-5"	Low density residential

PUBLIC SERVICES: Normal municipal water and sewer services are available. Transportation access is via Woodlawn, a four-lane arterial street designated as a five-lane arterial on the 2030 Transportation Plan. Current traffic on southbound Woodlawn (2000) is between 19,603 ADTs (average daily traffic) at 21st and 16,347 at 29th. This is projected to increase in 2030 to 25,538 ADTs between 21st and 25th and to 23,813 ADTs between 25th and 29th.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject tract as "low density residential".

RECOMMENDATION: VoiceStream has indicated they need more parking than required by the Unified Zoning Code and has proposed to locate the ancillary parking lot in the vacant field connecting to their existing parking lot. While ancillary parking lot would be constructed to protect the majority of the mature hedgerow on between the main lot and the ancillary parking, it introduces non-residential uses into an area shown for residential use and intended for residential development as a complement to the new school being constructed to the north. However, the UZC allows for ancillary lots within residential zoning districts so long as there are adequate buffers and screening between the residential/non-residential interfaces.

Based on the information available prior to the public hearing, Staff recommends that the request be APPROVED subject to the following conditions:

1. An opaque wall with a height of between six and eight feet shall be required to prevent the passage of debris and light and to mitigate adverse visual impacts shall be installed in a five-foot wall easement to be located along the north and east line of the subject tract. The wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire).
2. A landscape buffer of at least one tree every 40 feet shall be installed along the screening wall.
3. The mature hedgerow along the south line of the subject tract shall be preserved except for at the openings for the two 25-foot circulation drives.
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5. The Conditional Use shall be developed in general conformance with a site plan revised to meet these conditions. Any substantial change in the revised site plan shall require an amendment to this Conditional Use.
6. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC"), all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC.
7. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
8. If the Zoning Administrator finds that there is a violation of any of the conditions of a Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII hereof, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The ancillary parking lot is zoned "SF-5" Single-Family Residential, which requires a Conditional Use when the adjoining use (office) and zoning ("GO" General Office) is more intensive than that allowed on the "SF-5" property. The surrounding area to the north and east is vacant, but the new northeast elementary school is being constructed nearby to the north. The property to the west, zoned "SF-5" is developed with single-family residences. The property to the south is the existing parking lot for VoiceStream, zoned "GO". The property to the southwest is zoned "MF-29" and developed with apartments.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed ancillary parking lot was part of a land swap between the current owner (Leewood Homes, Inc.) and USD #259. USD #259 has indicated that they intended the new school to be surrounded with residential use because they felt it was in character with an elementary school site, and have expressed concerns that the parking lot might deter future residential construction on the balance of the tract. The proposed conditions contained in the "Recommendations" attempt to address these concerns by requiring a screening/buffering wall, maintaining of the existing hedgerow, and reducing light spillage from the site.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The *Comprehensive Plan* designates the parcel as "low density residential". Parking in conjunction with an office use is an increase in land use intensity from that recommended by the *Comprehensive Plan*. Ancillary parking is a potential non-residential use allowed by "Conditional Use" according to the Unified Zoning Code in residential districts.
5. Length of the time property has remained vacant as zoned: The property is unplatted and was held in ownership by USD #259 until recently for possible school expansion; thus it has not been available for development until the past few years.
6. Impact of the proposed development on community facilities: The proposed "Conditional Use" is not anticipated to generate any significant increase in traffic since it is to meet the needs of employees of an existing call center.