

CONDITIONAL USE RESOLUTION NO. CON2002-00041

WHEREAS, 786, Inc., c/o Craig Olsson (owner); MKEC Engineering Consultants, Inc., c/o Lisa Buckingham, 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 0.36 acre zoned "B" Multi-Family Residential described as:

The South 135 feet of Lot 3, except the South 25 feet thereof, Payne's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Market and Orme.

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 August 22, 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 0.36 acre zoned "B" Multi-Family Residential described as:

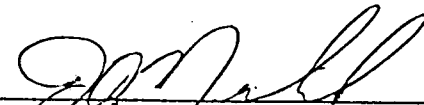
The South 135 feet of Lot 3, except the South 25 feet thereof, Payne's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Market and Orme.

subject to the following conditions:

1. The Conditional Use shall be developed in general conformance with the site plan. Any substantial change in the site plan shall require an amendment to this Conditional Use.
2. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC") except regarding front setbacks, and with all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC, and the Wichita Landscape Ordinance.
3. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
4. Any substantial violation of these conditions shall be reviewed and if determined not to be in compliance with these conditions, shall render this Conditional Use null and void.

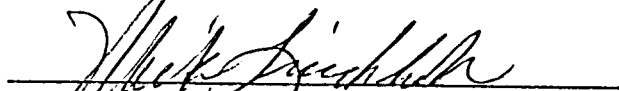
Adopted this 22ND DAY of AUGUST, 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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:



Mike Lindebak, Secretary

6-NAIU

INLET TOP=108.04
FL 18" W=103.54
FL 18" N=103.51

INLET TOP=108.16
FL 18" W=103.78
FL 18" E=100.54
FL 18" S=103.21
FL 24" N=100.63

KELLOGG DRIVE

ORME STREET

B-MF

GC

**South 135' of Lot 3
Payne's Addition;
Except the South
25' thereof**

EXISTING
HOUSES

LC

SITE PLAN

APPROVED 08/22/02 BY DS



SCALE: 1" = 40'



MKEC
ENGINEERING
CONSULTANTS

LA QUINTA INN
PARKING LOT IMPROVEMENTS

SITE PLAN
FOR CONDITIONAL USE APPLICATION

LAB LAB JAG
DESIGN BY: DRAWN BY: CHECKED BY:

AUGUST 2002 02134 1 / 1



STAFF REPORT

MAPC August 22, 2002

CASE NUMBER: CON2002-00041

APPLICANT/AGENT: 786, Inc. c/o Craig Olsson (owner); MKEC Engineering Consultants, Inc., c/o Lisa Buckingham

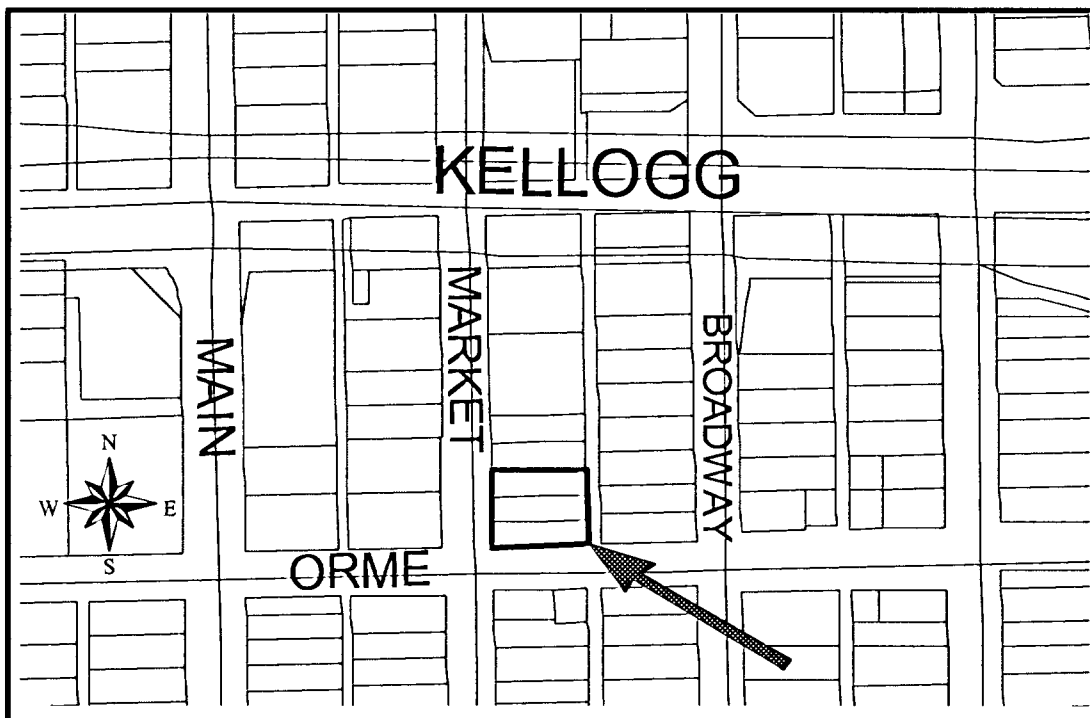
REQUEST: Conditional Use for ancillary parking

CURRENT ZONING: "B" Multi-Family Residential

SITE SIZE: 0.36 acre

LOCATION: Northeast corner of Market and Orme

PROPOSED USE: Ancillary parking for adjacent hotel



BACKGROUND: The applicant is requesting a "Conditional Use" to allow ancillary parking on property zoned "B" Multi-Family located on the northeast corner of Market and Orme. The application area would be used as accessory parking for the adjacent hotel being remodeled as a La Quinta Inn. With the inclusion of this area, the La Quinta Inn will occupy the entire city block between Kellogg Drive, Broadway, Orme and Market except for two residential structures located in the middle of the block along Market.

This ancillary lot is needed to meet the parking requirements of the Unified Zoning Code. The site contributes 33 spaces to the total parking requirements. Additional parking areas on the southeast corner of Kellogg and Market, the northwest corner of Broadway and Orme and in front of the hotel provide approximately 125-135 spaces. Total parking requirements are 145 spaces based on the remodeled building design.

A variance for the site was granted (Wichita Board of Zoning Appeals Case #10-85) to reduce the parking requirements for the original hotel from 214 spaces to 148 spaces. This variance is no longer needed since remodeled parking requirements are below the variance level and the amount provided with this Conditional Use will be in the range of 158-168 spaces. Another variance was granted (Case #30-72) to reduce the front setback on Orme to zero feet and the side setback on Market to zero feet.

CASE HISTORY: The property is part of Lot 3, Payne's Addition platted in 1883. (See above for detail on variances previously approved.)

ADJACENT ZONING AND LAND USE:

NORTH:	"B" Multi-Family; "GC" General Commercial	Two residential structures, parking lot
SOUTH:	"B" Multi-Family; "LC" Limited Commercial	Residences, hotel
EAST:	"LC" Limited Commercial	Hotel
WEST:	"B" Multi-Family; "GC" General Commercial	Vehicle repair, limited; vacant

PUBLIC SERVICES: Normal municipal water and sewer services are available. The entrance to the lot is from Market, a one-way arterial, or from the alley separating the parking lot from the hotel. Transportation access to the hotel is via Kellogg Drive, a frontage road along the Kellogg Expressway (US 400) and Broadway, a four-lane arterial.

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 "commercial".

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

1. The Conditional Use shall be developed in general conformance with the site plan. Any substantial change in the site plan shall require an amendment to this Conditional Use.

2. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC") except regarding front setbacks, and with all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC, and the Wichita Landscape Ordinance.
3. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
4. Any substantial violation of these conditions shall be reviewed and if determined not to be in compliance with these conditions, shall render this Conditional Use 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 "B" Multi-Family Residential, which requires a Conditional Use when the accessory parking lot supports an adjoining use requiring more intensive zoning. The property to the east is zoned "LC" Limited Commercial and is the hotel. This is the principal use for which the ancillary parking lot is associated. The property along Broadway is developed with a variety of commercial uses zoned "GC" General Commercial or "LC" Limited Commercial, including another small hotel immediately to the southeast of the application area. The adjoining property to the north of the application area is zoned "B" and has two older residential structures. The remaining half-block farther to the north is parking for the La Quinta Inn site and is located on property zoned "GC". The property directly to the west on Market is zoned "GC" and has a vehicle repair business. The rest of the west side between Orme and Kellogg is zoned "B" and "GC" and is vacant. The property to the south and southwest of Orme is zoned "B" and is occupied with residences, mostly single-family.
2. The suitability of the subject property for the uses to which it has been restricted: The property has been used as a parking lot in the past, as evidenced by the previous BZA cases. It is unlikely the area between Orme and Kellogg would be redeveloped residentially.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this Conditional Use does not effectively alter previous use of the site. The parking lot is being reconstructed and landscaped in a manner that would reduce its impact on the residential areas to the south and southwest by adding parking lot landscaping and screening, including some interior parking islands. The impact on the parking lot on the two remaining residential buildings to the north should be no more than the impact of the parking lot to the north that is zoned "GC" and permitted as a use of right.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Conditional Use is in conformance with the

Comprehensive Plan designation as “commercial”.

5. Length of the time property has remained vacant as zoned: The property was vacant during the time when the adjacent hotel was closed during 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.