

**CONDITIONAL USE RESOLUTION NO. CON2004-00012**

**WHEREAS**, city of Wichita, c/o Norman Jakovac (Owner/Applicants) 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 a Safety Service (fire station) on 1.1 acres zoned "SF-5" Single-family Residential and "LC" Limited Commercial described as:

Lots 59 and 62, Hillside Gardens, Sedgwick County, Kansas. TOGETHER WITH Lot 1, Fran-Mar Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Chautauque.

**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 April 8, 2004, 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 to permit a Safety Service (fire station) on 1.1 acres zoned "SF-5" Single-family Residential and "LC" Limited Commercial described as:


Lots 59 and 62, Hillside Gardens, Sedgwick County, Kansas. TOGETHER WITH Lot 1, Fran-Mar Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Chautauque.

Adopted this 8th DAY of APRIL, 2004. 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.

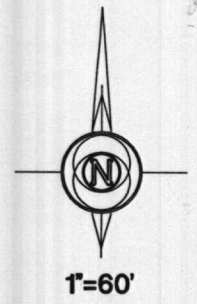
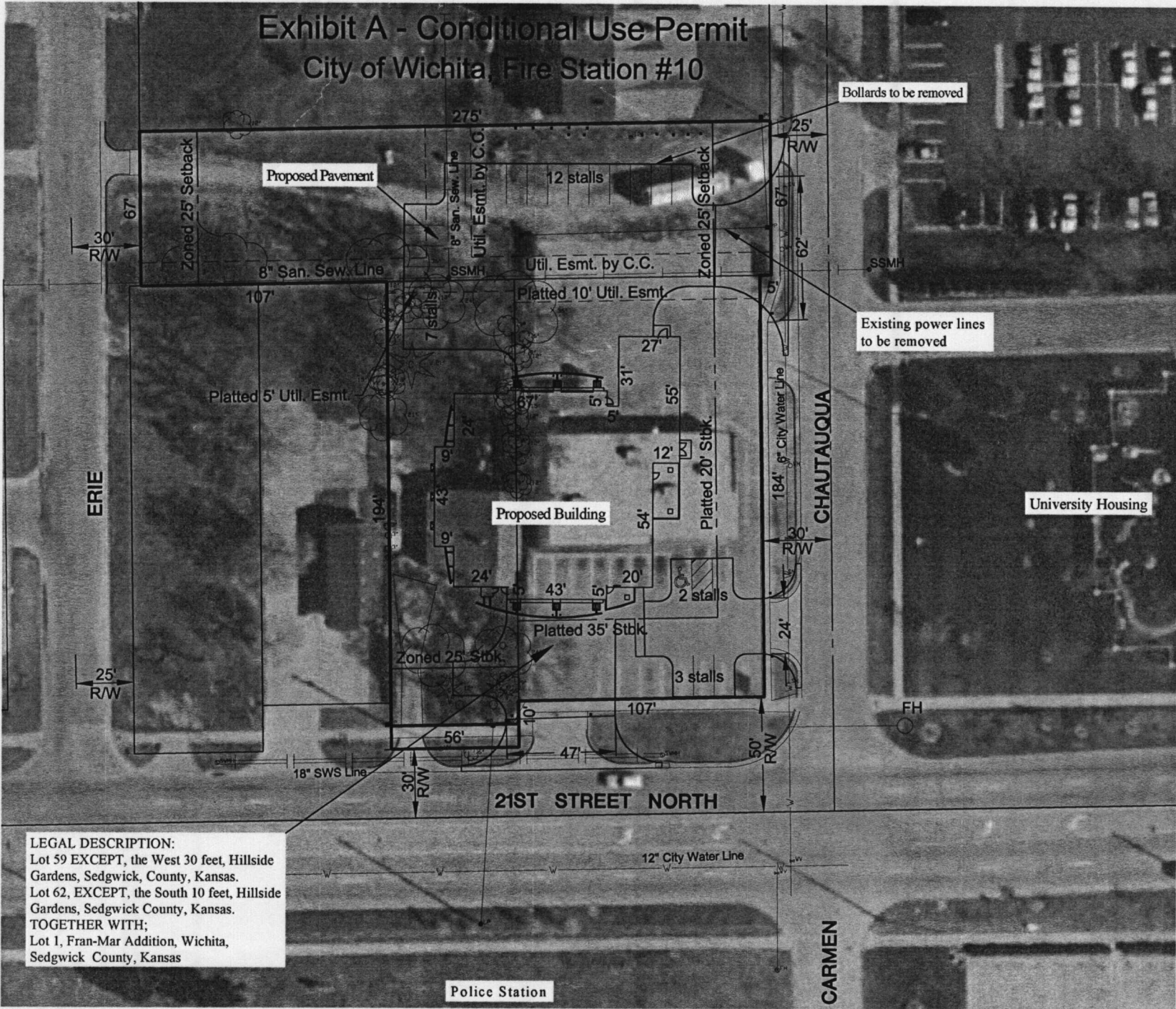
METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
Ronald L. Marnell, Chair MAPC

ATTEST:

  
\_\_\_\_\_  
John L. Schlegel, Secretary

# Exhibit A - Conditional Use Permit City of Wichita, Fire Station #10



- NOTES:
1. SITE HAS BEEN CLEARED OF ALL BUILDINGS.
  2. NO FENCES ON SITE.
  3. ALL EXISTING DRIVEWAYS ON SUBJECT PROPERTY TO BE REMOVED AND REPLACED.

**LEGAL DESCRIPTION:**  
 Lot 59 EXCEPT, the West 30 feet, Hillside Gardens, Sedgwick, County, Kansas.  
 Lot 62, EXCEPT, the South 10 feet, Hillside Gardens, Sedgwick County, Kansas.  
 TOGETHER WITH;  
 Lot 1, Fran-Mar Addition, Wichita, Sedgwick County, Kansas



**STAFF REPORT**  
MAPC 4-8-04

CASE NUMBER: CON2004-00012

APPLICANT/AGENT: City of Wichita (owner/applicant); MKEC, Greg Allison (agent)

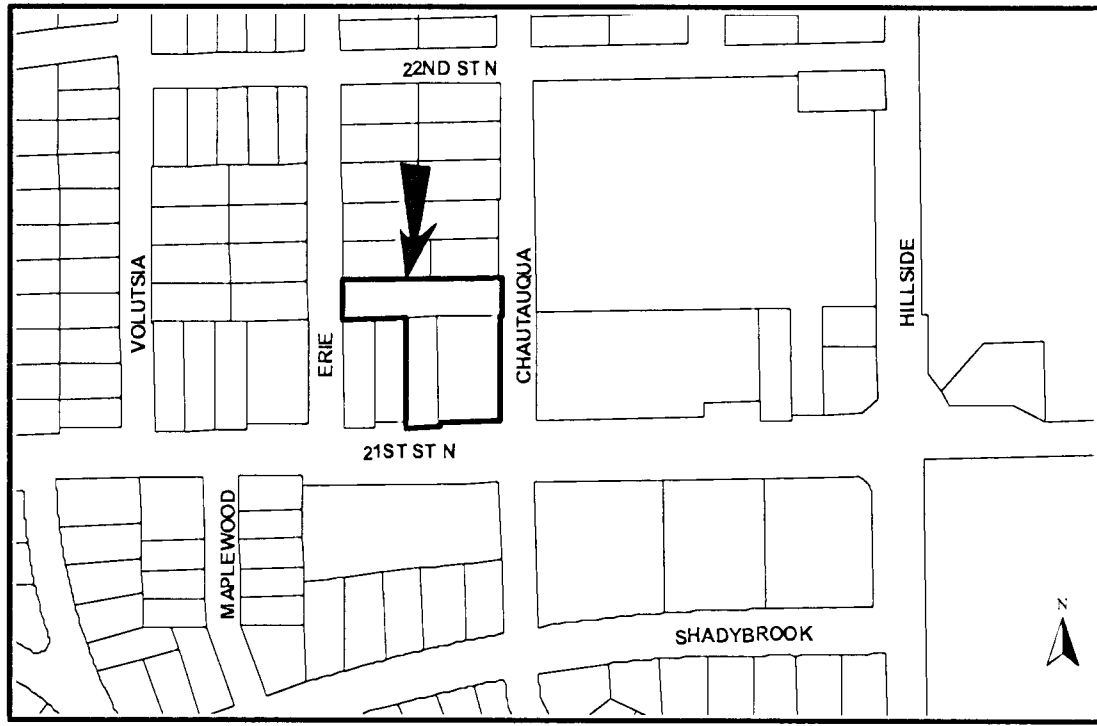
REQUEST: Conditional Use to permit a Safety Service (fire station)

CURRENT ZONING: "LC" Limited Commercial and "SF-5" Single-family Residential

SITE SIZE: 1.1 acres

LOCATION: Northwest corner of Chautauqua

PROPOSED USE: Safety Service



**BACKGROUND:** The applicant is seeking approval of a Conditional Use to allow for the development of a “safety service” (fire station) on property located at the northwest corner of Chautauqua and 21<sup>st</sup> Street. This proposal allows for the relocation of Station 10, now located at 17<sup>th</sup> and Grove. This site will improve the fire department’s potential to respond to fires and emergency medical situations in time frames that minimize property loss and maximize the delivery of life support services.

The application area is 1.1 acre in size and is made up of three platted lots, one of which is zoned “LC” Limited Commercial while the other two lots are zoned “SF-5” Single-family Residential. The site is currently vacant, but has five drive approaches, two each on 21<sup>st</sup> Street and Chautauqua, and one on Erie. The proposed development plan depicts one access drive on 21<sup>st</sup> Street and two on Chautauqua. The Erie Street drive would not serve the proposed fire station. Since the site is platted, re-platting is not required, however dedication of additional right-of-way along 21<sup>st</sup> Street would be appropriate to meet the current 60-foot of half-street arterial right-of-way standards. A large parking area is to be located on the northern end of the site with bay doors facing both north and south (see attached site plan).

Property to the north is zoned “SF-5” Single-family Residential and developed with a residence; property to east is zoned “GO” General Office and developed with Wichita State University facilities, a day care and a dorm; property to the south and southeast is zoned “LC” Limited Commercial and is either vacant or developed with other public service facilities (police substation and library). Property to the west is zoned “LC” Limited Commercial and “SF-5” Single-family Residential, and developed with a church, retail strip center and a residence.

21<sup>st</sup> Street, between Hillside and I-135, is a significant commercial corridor that has been improved to five-lanes in the recent past. In addition to 21<sup>st</sup> Street improvements, there has also been significant public and private investment in the general area in the form of the construction of new buildings, landscaping and the removal of dilapidated structures.

**CASE HISTORY:** The eastern portion of the application area is platted as Block 1, Lot 1, Fran-Mar Addition; the western and northern portion is platted as Lots 59 and 62, Hillside Garden Addition. The Fran-Mar Addition was zoned “LC” and re-platted in its current configuration in 1972; the Hillside Garden Addition was platted in 1926. BZA 53-77 allowed for an exception to allow off-street parking on single-family residential zoned property. This parking supported a tavern that was located further south on the application area.

**ADJACENT ZONING AND LAND USE:**

NORTH: “SF-5” Single-family Residential; residence  
SOUTH: “LC” Limited Commercial; vacant, police substation; library  
EAST: “GO” General Office and “LC” Limited Commercial; day care, college dormitory  
WEST: “LC” Limited Commercial; church, vacant

**PUBLIC SERVICES:** All public services are available to the site. 21<sup>st</sup> Street is shown on the adopted transportation plan map as a five-lane arterial street. Thirty feet of right-of-way should be

dedicated from the Hillside Garden Addition, and 10 feet of right-of-way from the Fran-Mar Addition should be dedicated to meet current minimum arterial street standards.

**CONFORMANCE TO PLANS/POLICIES:** “Public and Institutional Location Guidelines” contained in the City’s “Comprehensive Plan” state that fire and EMS stations should be located in accordance with response time standards established in adopted facility plans. The application area is consistent with the recommendations contained on Figure 4.4 in the “Final Report City of Wichita Fire Station Location Study” completed in February 2000.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the dedication of right-of-way on 21<sup>st</sup> Street.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property in the general area of the application area is a mix of zoning ranging from “LC” Limited Commercial and “SF-5” Single-family Residential. Uses range from vacant, single-family residential, church, public service and retail commercial. 21<sup>st</sup> Street, between Hillside and I-135, is a significant commercial corridor that has been improved to five-lanes. In addition to recent 21<sup>st</sup> Street improvements, there has also been significant public and private investment in the construction of new buildings, landscaping and the removal of dilapidated structures in the general area of the application area.
2. The suitability of the subject property for the uses to which it has been restricted: The site has split zoning, “LC” Limited Commercial and “SF-5” Single-family Residential. Given the commercial, office and institutional redevelopment that has occurred along the 21<sup>st</sup> Street corridor, it is unlikely the residentially zoned lot fronting 21<sup>st</sup> Street is suitably zoned for residential use. This lot would have a better chance of being developed if they were utilized in conjunction either of the adjoining “LC” zoned lots. It is possible the residentially zoned lot fronting Erie could be developed as zoned. The “LC” zoned parcel could possibly be developed as currently zoned, although there is vacant “LC” zoned land just across the street that has remained vacant for some time.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Code required screening and landscaping will mitigate any detrimental effects. The fact that there is only one existing residence, located immediately north of the site, helps reduce any impacts on adjoining properties. The other properties are a mix of institutional, commercial and vacant uses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Locating a fire station in this location will improve the delivery of fire and emergency medical services when compared the station’s existing location at 17<sup>th</sup> and Grove. Improved services will benefit the neighborhood and the entire community.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The site is consistent with adopted facility plans as the current fire station location study indicated a station near the 21<sup>st</sup> and Hillside intersection would improve response times.
6. Impact of the proposed development on community facilities: Delivery of fire and emergency medical services will be improved.