



Wichita-Sedgwick County Metropolitan Area Planning Department

January 28, 2008

John Mash
1616 S 125th E
Wichita KS 67207

RE: CON2007-49 - City Conditional Use request to allow access through "SF-5" Single-family Residential zoning to a commercial use (Catering Business) located in "LC" Limited Commercial zoning.

Dear Ladies and Gentlemen:

At its regular meeting on January 24, 2008 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:

1. The Conditional Use shall be developed in general conformance with the site plan attached hereto. Any substantial change in the site plan shall require an amendment to this Conditional Use.
2. The accessory driveway shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC.") As stipulated in Sec. III-D.6.p of the UZC, all entrance/exit drives on private property shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing material that meets the approval of the Planning Commission, and shall be maintained in good condition and free of all weeds, trash and other debris.
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 violation of these conditions shall render this Conditional Use null and void.

RE: CON2007-49 - City Conditional Use request to allow access through "SF-5" Single-family Residential zoning to a commercial use (Catering Business) located in "LC" Limited Commercial zoning.

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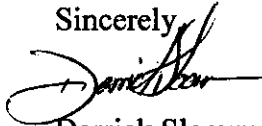
NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk providing new facts on the issue or alleging an unfair hearing. The Council will 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 February 7, 2008, 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,



Derrick Slocum
Associate Planner
Current Plans Division

Copies to: Sue Schlapp, WCC II, Mail Stop #1-13
Antoine Sherfield, NA WCC II, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71

CONDITIONAL USE RESOLUTION NO. CON2007-00049

WHEREAS, John Mash (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 an accessory drive for a commercial use through "SF-5" Single-family zoned property described as:

Lots 2 and 3, Block A, McEvoy Addition to the City of Wichita, Sedgwick County, Kansas. Generally located south and west of the corner of E. Harry and south 127th Street East (1616 south 125th Street East)

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 January 28, 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 to allow a Conditional Use for an accessory drive for a commercial use through "SF-5" Single-family zoned property described as:

Lots 2 and 3, Block A, McEvoy Addition to the City of Wichita, Sedgwick County, Kansas. Generally located south and west of the corner of E. Harry and south 127th Street East (1616 south 125th Street East)

Approved subject to the following conditions:

1. The Conditional Use shall be developed in general conformance with the site plan attached hereto. Any substantial change in the site plan shall require an amendment to this Conditional Use.
2. The accessory driveway shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC.") As stipulated in Sec. III-D.6.p of the UZC, all entrance/exit drives on private property shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing material that meets the approval of the Planning Commission, and shall be maintained in good condition and free of all weeds, trash and other debris.
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4. Any violation of these conditions shall render this Conditional Use null and void.

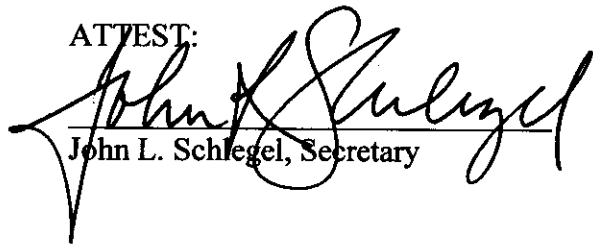
Adopted this 28th Day of January 2008.

METROPOLITAN AREA PLANNING COMMISSION

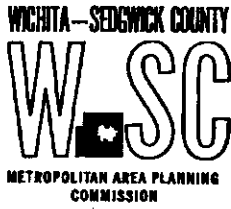
A handwritten signature in black ink, appearing to read "M.S. Mitchell", written over a horizontal line.

M.S. Mitchell, Chair MAPC

ATTEST:

A handwritten signature in black ink, appearing to read "John L. Schlegel", written over a horizontal line.

John L. Schlegel, Secretary



AGENDA ITEM NO. _____

STAFF REPORT

MAPC January 24, 2008
(City Council District II)

CASE NUMBER: CON2007-00049

APPLICANT/AGENT: John Mash, Owner

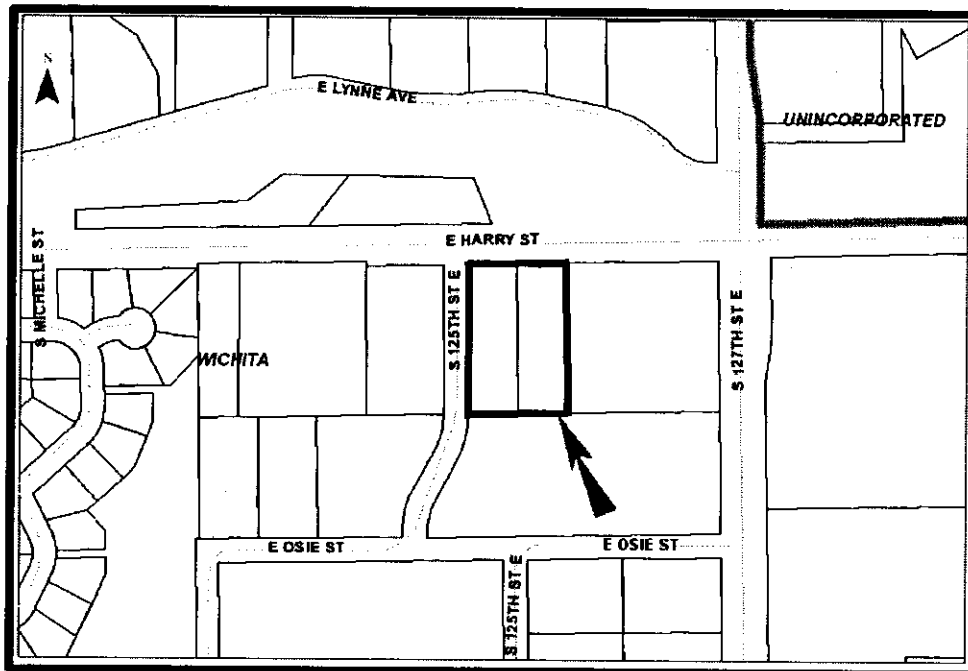
REQUEST: Conditional Use for an Accessory Drive for a commercial use through Single-family Residential ("SF-5") zone property.

CURRENT ZONING: Single-family Residential ("SF-5")

SITE SIZE: 1 acres

LOCATION: 1616 S. 125th St. E. (Generally located south and west of the corner of E. Harry and S. 127th St. E.)

PROPOSED USE: Accessory Drive



BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory driveway through Single-family Residential ("SF-5") zoning, located on the south 350 feet of Lot 3, McEvoy Addition. The lot is located south and west of the corner of E. Harry and S. 127th St. E., approximately 630 feet west of S. 127th St. E. All of Lot 2 and the eastern 60 feet of Lot 3, McEvoy Addition is zoned Limited Commercial ("LC") and are currently developed with a single-family residence and a catering business (southeast corner of Lot 2.)

The site plan shows Lots 2 and 3 being developed with a single-family residence. The existing accessory driveway runs east to west, parallel to the southern property line of Lot 2 and 3. The accessory drive connects an existing business, located in the southeast portion of Lot 2, to S. 125th St. E. The accessory driveway runs through the SF-5 zoned portion and then terminates into the parking lot/loading area, which is located in the adjacent LC zone.

The LC portion of the property is the result of zoning that occurred in 1958. There were two separate zoning codes until 1996. It was a practice during that time that land within 600-feet of the intersections of section line roads and located within 3 miles of the 1958 City of Wichita city limits, in the unincorporated county, be zoned LC. For this particular case, the current LC zoning is the result of that rezoning back in 1958 when this particular area was still in the unincorporated part of the county. Thus, the majority of the property is zone LC and a small sliver along the west side of the property is zoned SF-5.

The surrounding land along E. Harry St. is primarily developed with residential uses between S. 127th St. E. and S. Greenwich Rd. On the south side, is LC and SF-5 zoned property, which is developed with a single-family residence. West of the subject site is SF-5 zoned property developed with single-family residences. Property east of the subject site, directly on the southwest corner of E. Harry St. and S. 127th St. E., is zoned LC and is developed with a single family residence. All property north of the subject site, on the north side of Harry St. is zoned LC and SF-5 and developed with single-family residences.

CASE HISTORY: The property was platted as Lots 2 and 3, McEvoy Addition on August 16, 1952. In 1958, the subject tract was zoned LC (600-feet west of section line road intersection) and "R-1," Suburban Residential ("SF-20," Single-Family Residential.) The development in the surrounding area has remained large lot residences within SF-5 and SF-20 zoning.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5," Single-Family Residential	Single-Family Residence
SOUTH:	"SF-5," Single-Family Residential	Single-Family Residence
EAST:	"LC," Limited Commercial	Single-Family Residence
WEST:	"SF-5," Single-Family Residential	Single-Family Residence

PUBLIC SERVICES: Normal municipal water and sewer services are available. E. Harry St. and S. 127th St. E. are both two-lane minor arterial streets. Traffic volumes for 2007 at E. Harry St. and S. 127th St. E. were 12,642 ADTs (average daily traffic). The site plan

shows one entrance onto S. 125th St. E. The drive entrance is already installed.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject property as “Urban Residential.” Urban Residential encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

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 attached hereto. Any substantial change in the site plan shall require an amendment to this Conditional Use.
2. The accessory driveway shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code (“UZC.”) As stipulated in Sec. III-D.6.p of the UZC, all entrance/exit drives on private property shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing material that meets the approval of the Planning Commission, and shall be maintained in good condition and free of all weeds, trash and other debris.
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 violation of 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 surrounding land along E. Harry St. is primarily developed with residential uses between S. 127th St. E. and S. Greenwich Rd. On the south side, is LC and SF-5 zoned property, which is developed with a single-family residence. West of the subject site is SF-5 zoned property developed with single-family residences. Property east of the subject site, directly on the southwest corner of E. Harry St. and S. 127th St. E., is zoned LC and is developed with a single family residence. All property north of the subject site, on the north side of Harry St. is zoned LC and SF-5 and developed with single-family residences. The character of the development in the surrounding area has remained large lot residences within SF-5 and SF-20 zoning. The ancillary drive would abut one of these large lots.

2. The suitability of the subject property for the uses to which it has been restricted: 75% of the subject property is zoned LC and the remaining 25% is zoned SF-5. This particular application focuses on 1,200 sq. ft. of the extreme southwest corner of the property zoned SF-5. This particular piece of property, due to its small size would not be suitable for any other uses other than for a driveway or for parking.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the "Conditional Use" would allow an ancillary drive within along the south lot line, adjoining a residential lot to the south.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject property as "Urban Residential." Urban Residential encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.
5. Impact of the proposed development on community facilities: The proposed development generates a small amount of traffic. Access is limited to one point of access on an existing drive entrance. Other normal utility services are available and the proposed use should not exert any significant increase on these facilities.

Site Plan without Zoning



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This information is provided with the understanding that the data are susceptible to a degree of error, and

