



**Wichita-Sedgwick County Metropolitan Area Planning Department**

August 20, 2008

Alumni Board of the Kansas Eta Chapter of Sigma Phi Epsilon Fraternity, Inc.  
1913 N Beretta Ct  
Andover, KS 67002

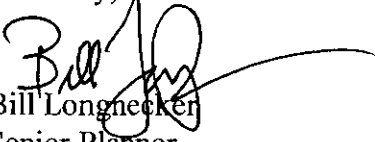
**RE: CON2008-00029** - City Conditional Use permit for a group residence, general, on property zoned B Multi-family Residential ("B"), generally located east of Hillside Avenue, on the southeast corner of 17th Street North and Vassar Avenue. Legal description: Lots 2-20 (even), the vacated south 15-feet of 17th Street North (Misc. Book 554, Page 246), all in the Fairmont Addition.

Dear Ladies and Gentlemen:

At its regular meeting on August 12, 2008, the Wichita City Council considered the above-captioned request. The action of the Council was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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,

  
Bill Longnecker  
Senior Planner  
Current Plans Division

WL:mc  
Enclosure

Copies to: Spangenburg Phillips, c/o Brad Tetter, 224 E. Douglas, Ste #500, Wichita, KS  
67202  
Fairmont Neighborhood Association, c/o James Van Milligan, 1717 N Fairmont  
Avenue, Wichita, KS 67208  
Northeast Central NA, James Arbertha, 1802 N. Hydraulic, Wichita, KS 67214  
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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RESOLUTION No. 08-416

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A GROUP RESIDENCE, GENERAL (FRATERNITY), ON APPROXIMATELY 0.91-ACRES ZONED B MULTI-FAMILY RESIDENTIAL ("B"), GENERALLY LOCATED EAST OF HILLSIDE AVENUE, ON THE SOUTHEAST CORNER OF 17<sup>TH</sup> STREET NORTH AND VASSAR AVENUE, WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

**SECTION 1.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to permit a group residence, general (fraternity), on approximately 0.91-acres zoned B Multi-family Residential ("B"), subject to the conditions listed below:

**Case No. CON2008-00029**

A Conditional Use to permit a group residence, general (fraternity), on approximately 0.91-acres zoned B Multi-family Residential ("B").

Lots 2-20 (even), the vacated south 15-feet of 17<sup>th</sup> Street North (Misc. Book 554, Page 246), all in the Fairmont Addition, Wichita, Sedgwick County, Kansas. Generally located east of Hillside Avenue on the southeast corner of 17<sup>th</sup> Street North and Vassar Avenue.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- (1) The site must be developed as shown on an approved site plan and conform to current standards in regards to parking, drainage, setbacks, easements, right-of-way, access control, drainage, landscaping and any other applicable standards. An approved site plan, all required dedications and a drainage plan must be submitted within 6 months of approval by the appropriate government body and before the issuance of a building permit.
- (2) The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies, and regulations.
- (3) Parking lot light poles on the site shall not exceed 15 feet in height, and shall shield away from residential zoning.
- (4) The site shall conform to the Landscape Ordinance, which may include use of existing vegetation. A landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval. This plan must be completed within 6 months of approval by the appropriate government body.
- (5) The site shall conform to all screening standards including solid screening for all dumpsters and mechanical equipment.

**CON2008-00029**

**PAGE 1**

(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 the Conditional Use null and void.

**SECTION 2.** That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

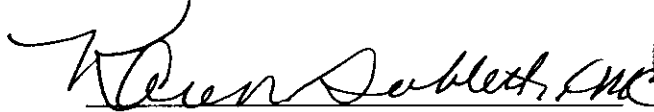
**SECTION 3.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date August 17, 2008.



Carl Brewer, Mayor

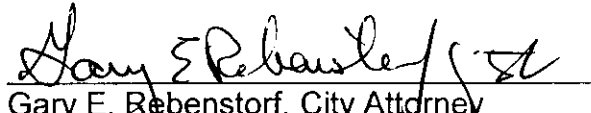
**ATTEST:**



Karen Sublett, City Clerk



Approved as to form:

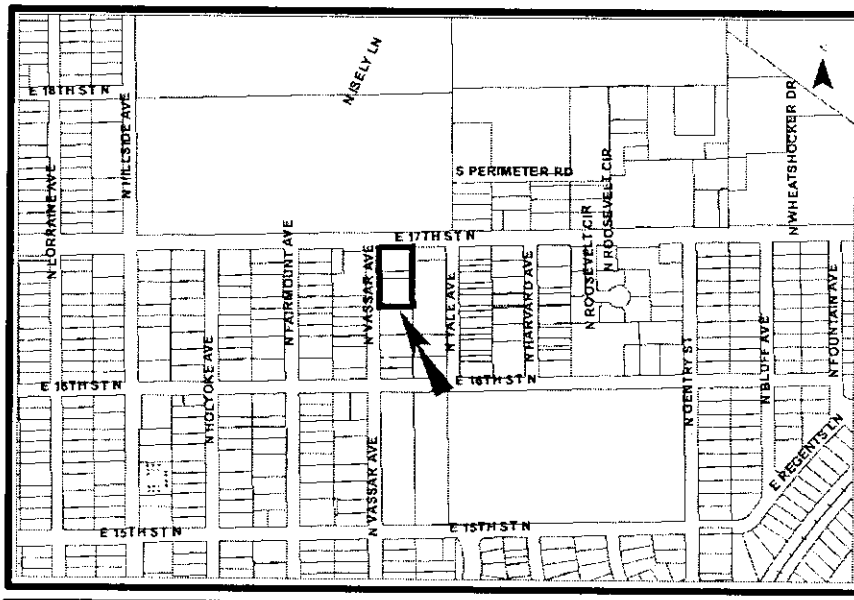


Gary E. Rebenstorf, City Attorney

## STAFF REPORT

MAPC July 10, 2007  
DAB I July 7, 2007

- CASE NUMBER:** CON2008-00029
- OWNER/APPLICANT:** Alumni Housing Board of Kansas Eta Chapter of Sigma Phi Epsilon
- AGENT:** Spangenberg Phillips Architecture, c/o Brad Teeter
- REQUEST:** Conditional Use for group residence, general
- CURRENT ZONING:** B Multi-family Residential (“B”)
- SITE SIZE:** Approximately 0.91-acres
- LOCATION:** Generally located east of Hillside Avenue, on the southeast corner of 17<sup>th</sup> Street North and Vassar Avenue (WCC #1)
- PROPOSED USE:** Bring existing non-conforming fraternity house into compliance and to allow construction of new free standing building



**BACKGROUND:** The applicant is requesting a Conditional Use to allow a “group residence, general,” located on Lots 2-20 (even), the vacated south 15-feet of 17<sup>th</sup> Street North (Misc. Book 554, Page 246), all in the Fairmont Addition. The partially developed subject site is zoned B Multi-family Residential (“B”). The developed portion of the site is a single-story fraternity house (built 1958), while the undeveloped portion of the site appears to be a sand volleyball court in disrepair and a basketball court. The fraternity house is a non-conforming use for this site, which will be brought into conformance with the requested Conditional Use and will allow another fraternity building on the site. A “group residence, general” may be considered as a Conditional Use, on a site by site bases in the B zoning district. The Unified Zoning Code (UZC), Art.II, Sec.II-B, 5(l) defines a group residence, as “a residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children homes and emergency shelters for the homeless and for victims of crime, abuse or neglect.” The UZC, Art.II, Sec.II-B, 5(m), states that a “group residence,” general may be “occupied by more than 15 persons, including staff members who reside in the facility.”

The applicant’s site plan shows the location of the existing one-storey fraternity house, the proposed additional two-storey fraternity house (13,400-sqaure feet with a basement), existing and proposed parking. Landscaping is not identified as existing or proposed. A 20-foot setback is shown on the Vassar (west) and 17<sup>th</sup> (north) street sides. A 6-foot interior side yard setback is shown on the east side (parking) and no setback is shown on the south side, where the existing fraternity is located. The site plan shows the existing drives onto Vassar and 17<sup>th</sup> remaining. The attached elevations provided by the applicant shows the proposed fraternity house to have a design similar to an adjacent (south) fraternity.

The subject site is located south, across 17<sup>th</sup> Street North, from Wichita State University (WSU). This portion of the WSU campus, and most of its campus, is zoned SF. Properties located east and south of the site are zoned B, MF-29 Multi-family Residential (“MF-29”), TF-3 Duplex Residential (“TF-3”), and SF-5. The multi-family zoned sites are developed as a fraternity (1940), 1-3 storey apartments, a WSU student residence hall, three-plexes and some single-family residences. The TF-3 zoned properties are a mix of duplexes and single-family residences. The SF-5 zoned property is Fairmount Public Park. Properties located west of the site are zoned B and LC Limited Commercial (“LC”). Development includes parking lots for WSU students, the WSU radio station, a fraternity (1950) and a mix of apartments, three-plexes, duplexes, and some single-family residences. Walk up apartments are common in the area and single-family residences converted to apartments are not uncommon. The residential buildings in the immediate area appear to be built mostly in the 1950s or the 1940s, but building goes as far back to 1915 and into the mid 1960s. There area few vacant lots within the site’s block. WSU is the dominant development in the area and the housing probably reflects a large student population living/renting close to the school.

The area is part of the "Central Northeast Area Plan" with WSU being the second largest employer in the area after Wesley Medical Center, which is located 17 blocks south of the site and the WSU campus. The Plan does not specifically comment on the site's WSU oriented neighborhood, but does cite WSU, the WSU Self-Help Network, the WSU English Department, the WSU Center of Entrepreneurship and the WSU Small Business Economic Development Center as partners in various elements of the Plan.

**CASE HISTORY:** The Fairmount Addition was recorded with the Register of Deeds February 15, 1887. The area the site is located in an area that is part of the "Central Northeast Area Plan": Updated from the 1995 plan, Ord. 46-657, September 20, 2005 and Res. 158-05, September 14, 2005.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Wichita State University
SOUTH:	B	Fraternity, apartments
EAST:	B	WSU residence hall
WEST:	LC, B	Parking lot, apartments

**PUBLIC SERVICES:** Vassar Avenue is a paved residential street, with 60 feet of right-of-way (ROW). 17<sup>th</sup> Street North is a paved 4-lane, minor arterial street, with 70 feet of ROW. The 2030 Transportation Plan projects no change in their status. Traffic counts on 17<sup>th</sup> between Oliver and Hillside Avenues are between 10,638 and 10,473 average trips per day. All necessary utilities are present.

**CONFORMANCE TO PLANS/POLICIES:** The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "urban residential." The "urban residential" category includes all densities of residential development found within the urban municipality. The B Multi-family residential zoned site is located south, across 17<sup>th</sup> Street North, of the WSU campus. The B zoning district accommodates very high density, multi-family residential development and complimentary land uses. The UZC defines a fraternity as a type of a group residence, general. A group residence, general can be considered, on a site by site consideration, for a Conditional Use in the B zoning district. Besides the existing fraternity on the subject site, there are two other fraternities within in the immediate area. 1-3 storey apartments, three-plexes, duplexes, and single-family residences converted to apartments are the most common housing in this area. WSU is the dominant development in the area and the housing probably reflects a large student population living/renting close to the school. The site is just outside a historical environs.

**RECOMMENDATION:** Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED with the following conditions:

- (1) The site must be developed as shown on an approved site plan and conform to current standards in regards to parking, drainage, setbacks, easements, right-of-

way, access control, drainage, landscaping and any other applicable standards. An approved site plan, all required dedications and a drainage plan must be acquired within 6 months of approval by the appropriate government body and before the issuance of a building permit.

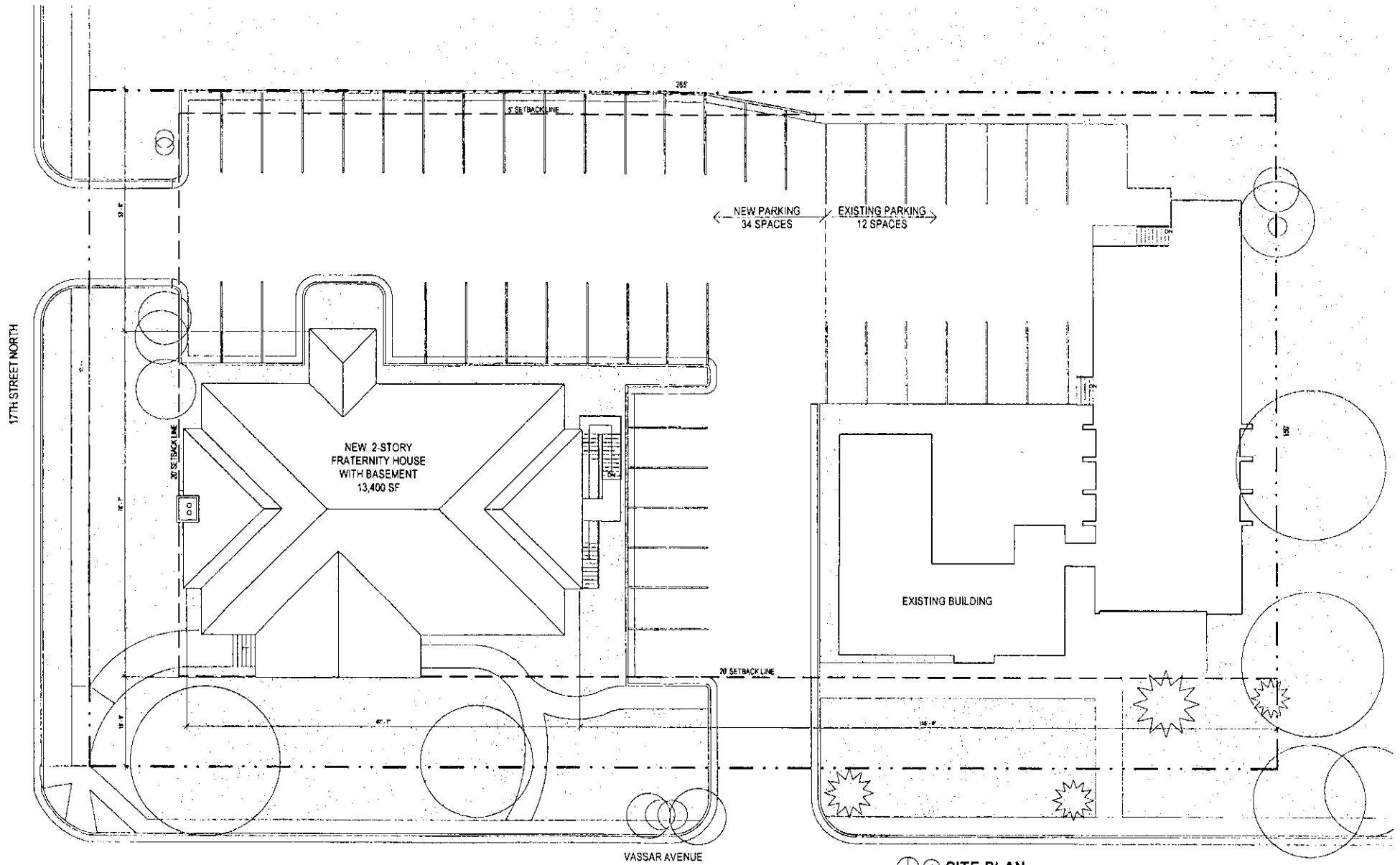
- (2) The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies, and regulations.
- (3) Parking lot light poles on the site shall not exceed 15 feet in height, and shall shield away from residential zoning.
- (4) The site shall conform to the Landscape Ordinance, which may include use of existing vegetation. A landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval. This plan must be within 6 months of approval by the appropriate government body.
- (5) The site shall conform to all screening standards including solid screening for all dumpsters and mechanical equipment.
- (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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The applicant's request is not out of character with this neighborhood located south of this portion of WSU. The area's TF-3, MF-29, B, and LC zoning has been developed as mostly housing that probably reflects a large student population living/renting close to the school; a mix of 1-3 storey apartments (including walk up), three-plexes, duplexes, single-family residences converted to apartments, and some single-family residences. Besides the applicant's existing fraternity house, there are two other fraternities in the area; one of them abuts the south side of the applicant's site and the other is located a short block west of the applicant's site. There are also parking lots for student parking and the WSU radio broadcasting studio in the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is best suited to remain a fraternity or high density multi-family residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Because of the area's immediate proximity to WSU (the City's largest college/university and the third largest in Kansas), there is always a potentially large student population looking for housing. A fraternity provides a particular niche in that housing market. The proposed Conditional Use will bring the current building into conformance and allow the construction of another fraternity building, which will bring an

improvement to the area's current development. The conditions of the Conditional Use will further minimize the impact of the development on the neighborhood.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "urban residential." The area reflects most of the housing that is allowed by right or by Conditional Use in this category; a mix of apartments, three-plexes, duplexes, single-family residences converted to apartments, some single-family residences and three fraternities. The proposed use of a fraternity (group residence, general) is not out of character with its neighbors.
5. Impact of the proposed development on community facilities: The proposed development will probably impact drainage the most.

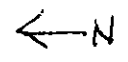


⊕ ① SITE PLAN  
7-11-08

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**SIGMA PHI EPSILON**  
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**AS1.1**  
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