METROPOLITAN AREA PLANNING COMMISSION AGENDA

MINUTES

February 16, 2012

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, February 16, 2012, at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Shawn Farney, Chair; Bob Aldrich; Darrell Downing; David Foster; Bill Johnson; Don Klausmeyer; M.S. Mitchell; Don Sherman (In @1:30 p.m.); George Sherman and Debra Miller Stevens. David Dennis; Ron Marnell; John W. McKay, Jr. and Morrie Sheets were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Derrick Slocum, Associate Planner; Kelly Rundell, Deputy City Attorney and Maryann Crockett, Recording Secretary

1. Approval of the prior February 2, 2012 meeting minutes.

MOTION: To defer the February 2, 2012 meeting minutes.

ALDRICH moved, **DOWNING** seconded the motion, and it carried (9-0).

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2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

D. SHERMAN (In @1:30 p.m.)

2-1. SUB 2011-00016: ONE-STEP FINAL PLAT -- SOUTHFORK COMMERCIAL ADDITION.

NOTE: This unplatted site is located within the City of Wichita. The property is restricted to uses allowed in the GC General Commercial District per the Southfork Community Unit Plan DP-249. Amendment #1 to the Southfork Addition CUP (CUP2011-00010, DP 249) has been approved.

This revised plat has increased the number of lots from 7 to 8.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that the applicant needs to extend water (transmission and distribution) and sewer (main and lateral) to serve all lots being platted.

B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

C. All the text, bearings and distances should face the same direction. When Page 1 of 2 is turned with north pointing up, all the text on the easterly and westerly lines should read from left to right.

D. County Surveying requests that "Moering B&C Found" in the legend should read "Moehring." "B&C" needs clarified, regarding whether it is a bar with cap. The size and type of monument is also needed.

E. County Surveying requests the symbol in the legend "Section Corner Found" should be consistent with what is shown on the face of the plat.

F. County Surveying requests that the monument description with size and type shall be shown for the section corners.

G. County Surveying requests the benchmark description should be revised as there is no longer a ramp at this location.

H. County Surveying requests the pipeline easement should be located north and south with respect to the plat boundary.

I. County Surveying requests the correct film and page for the pipeline easement. There was a partial release. The film and page shown is for the adjoining property to the east. A partial release is recommended from the pipeline company for this parcel.

J. County Surveying requests the pipeline should be located by survey measurements. The pipeline has not been shown on any of the preliminary plats.

K. The minimum building pad should reference Block 1 as shown on the face of the plat.

L. County Surveying advises if the highway easement granted to the City of Wichita Doc# Film-Pg 29098948 recorded 10/22/2009 is being vacated by the plat there should be verification there are no utilities in said easement. The easement should also be labeled as being vacated on the face of the plat. If the easement is not being vacated it should be shown as right-of-way and located with dimensions. If said easement is retained for utilities it shall be located with dimensions.

M. County Surveying advises monuments will need to be shown and set along the cul-de-sac right-of-way.

N. County Surveying requests the length of the curve on the westerly-northwesterly line of Lot 4 be shown.

O. County Surveying requests the clarification along the southerly curve on the west line of Lot 3 as there are two arc lengths which appear to have the same radius. The southerly monument should be on the point of curvature of the curve.

P. County Surveying requests central angle-delta of curve along the westerly line of Lots 2 and 3.

Q. County Surveying requests central angle-delta of curve along the southerly curve on the east line of Lot 6.

R. County Surveying request s the radius shown on the centerline of Washington, adjacent to Lot 6 should be moved to the west side of the east line of Lot 6.

S. County Surveying requests the radius shown on the centerline of Washington, adjacent to Lot 5 should be moved to the west side of the east line of Lot 5.

T. The signature line for the Deputy County Surveyor should be above the typed name.

U. The northwest corner of the Section is labeled T-28S and all the other corners are T28S.

V. County Surveying requests the recording data or condemnation case number for the Riverside Drainage District be shown on the plat. Any discrepancies of measured versus described shall be shown.

W. County Surveying requests a detail shown on the plat of the monuments at the southwest corner of Lot 5, showing bearings and distances to the set monument. The legal description also went to the south line of the northwest quarter. If the west quarter corner was used in determining this position, it shall also be shown on the plat.

X. County Surveying request the position of the monument found along the Riverside Drainage District, north of the southwest corner of Lot 5 be referenced by distance and direction to the set monument. Any discrepancies of measured versus described shall be shown.

Y. County Surveying request to see the final plat after changes are made as there is insufficient data shown to do closure calculations.

Z. The small bearing along the north line of the section at the east line of the Riverside Drainage District should be removed.

AA. The small distances in the Riverside Drainage District just above the curve data should be removed.

BB. The plat will denote that the minimum building pad is 1272.00 NAVD88 or as approved by the City Stormwater Engineer.

CC. Stormwater Management has approved the drainage plan subject to additional drainage easements which may be granted by separate instrument with the construction plans. A drainage easement is needed that is large enough to contain the ditch and necessary maintenance access from Reserve B to the Big Slough South, along the south property line of Lot 5, Block 1. The applicant is requested to grant a 20-foot maintenance access easement along the east side of the Riverside Drainage District right-of-way dedication. The drainage plan should also include a drawing that confirms the proposed revised FEMA floodway will be contained within the Riverside Drainage District right-of-way. A Letter of Map Revision (LOMR) is needed. The applicant will be submitting a cross-lot drainage agreement.

MITCHELL said he voted against the recommendation of the Subdivision Committee to approve this request on the basis that this was the 7th version of the one step final plat and there are still upwards of 20 items that have not been addressed from previous meetings. He said he does not feel the Subdivision Committee should approve final plats until they are ready to be signed by the Chairman and sent to the governing body. Therefore, he said he would not support a motion to approve or the recommendation of the subdivision Committee.

FOSTER asked staff if they were comfortable sending the plat on to the City Council with 30 or so items still outstanding?

STRAHL said the items will all be addressed prior to the item being sent to the City Council.

SHERMAN asked if the fact that a one step final plat has been to the Subdivision Committee 7 times and items are still not worked out needs to be addressed.

STRAHL said discussion of the situation is an item under "Other Business" at next week's Subdivision Committee meeting.

> **MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation and submission of a revised final plat prior to submission to City Council.
>
> **ALDRICH** moved, **FOSTER** seconded the motion, and it carried (9-1). **MITCHELL** – No.

2-2. SUB 2012-00001: One-Step Final Plat - WOODS NORTH 3RD ADDITION.

NOTE: This is a replat of Woods North Addition which includes a revised street layout.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department requests a petition for extension of water (transmission and distribution) and extension of sewer (main & lateral) to serve all lots being platted. Each residential lot will also have a Special Water Acquisition Fee to connect to water.

B. City Engineering advises that existing special assessments will be recalculated on a square foot basis unless a Respread Agreement is filed with the Finance Department and approved by the Law Department.

C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

D. City Stormwater Management has approved the drainage plan.

E. County Surveying requests a bearing along the northeasterly line of Lot 4, Block C.

F. County Surveying requests a bearing along the north line of Lot 2, Block C.

G. County Surveying requests a bearing and distance along the taper of Reserve D, adjacent to Lot 6, Block C.

H. Reserves O and N need to be referenced in the platter's text.

I. Traffic Engineering has approved the access controls. The plat proposes one street opening along both 29th Street North and 127th Street East.

J. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.

K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

L. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

M. Since Reserve F includes a swimming pool, a site plan shall be submitted with the final plat for review by MAPD. The site plan shall include the information indicated in the Subdivision Regulations. The design for the pool must be submitted to Environmental Services for review prior to issuing a building permit for the pool.

N. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves which are not being replatted by this Addition, a restrictive covenant shall be submitted which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.

O. GIS has requested that Woodridge extend north of 27th Street to connect with 29th Street, replacing Eagle, Greenbriar and Davin, the cul-de-sacs Davin Ct. and Shadowridge Cir. shall be replaced with Woodridge Ct.

P. In the Utility Note, stormwater needs spelled correctly.

Q. For the Date of Topography, "December" needs spelled correctly.

R. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.

S. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

T. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants

required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

U. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

V. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

X. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

Y. Perimeter closure computations shall be submitted with the final plat tracing.

Z. Westar Energy has requested additional utility easements.

AA. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disc. If a disc is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

ALDRICH moved, **SHERMAN** seconded the motion, and it carried (10-0).

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3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2012-01: City request to vacate a portion of a platted street side yard setback.

OWNER/AGENT: Myrna K. Hudson (owner) Southwestern Remodeling, c/o Chad Bryan (agent)

LEGAL DESCRIPTION: The east 13 feet of the platted 25-foot street side yard setback that runs parallel to the west lot line of Lot 5, Woodchuck Villas 2nd Addition, and the east side of Woodchuck Lane, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between Tyler and Ridge Roads, south of Maple Street and southeast of the University Avenue - Woodchuck Lane intersection (WCC #V)

REASON FOR REQUEST: Add onto the existing single-family residence

CURRENT ZONING: Subject property and all abutting and adjacent northern, southern and eastern properties are zoned TF-3 Two-Family Residential ("TF-3"). Adjacent western properties, across Woodchuck Lane, are zoned SF-5 Single-Family Residential ("SF-5").

The applicant proposes to vacate the east 13 feet of the platted 25-foot street side yard setback, on the described TF-3 zoned lot, resulting in a 12-foot street side yard setback. The UZC's minimum street side yard setback for the TF-3 zoning district is 15 feet. If the setback was not platted the applicant could have requested an Administrative Adjustment that would reduce the TF-3 zoning district's minimum 15-foot street side yard setback by 20%, resulting in a 12-foot street side yard setback; the applicant's request. Reduction beyond the 12-foot street side yard setback would require a variance, which is a separate public hearing process. There is a platted easement running through the south 10 feet of the platted setback; the vacation does not allow encroachment into the platted easement or any easements dedicated by separate instruments. There are no utilities located within the described portion of the platted setback. There is a platted setback located on the north side of the subject lot; the vacation does not allow encroachment into the platted setback located on the north side of the subject lot. The Woodchuck Villas 2nd Addition was recorded with the Register of Deeds July 2, 1979.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works, Water & Sewer, Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted street side yard setback.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 26, 2012, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by the vacation of the described portion of the platted street side yard setback and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

(1) Vacate the east 13 feet of the platted 25-foot street side yard setback that runs parallel to the west lot line of Lot 5, Woodchuck Villas 2nd Addition, and the west side of Woodchuck Lane, Wichita, Sedgwick County, Kansas. No encroachments allowed in any platted easements, easements dedicated by separate instruments, or any platted setbacks, except the described street side yard setback.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.

(3) All improvements shall be according to City Standards and at the applicant's expense.

(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

(1) Vacate the east 13 feet of the platted 25-foot street side yard setback that runs parallel to the west lot line of Lot 5, Woodchuck Villas 2nd Addition, and the west side of Woodchuck Lane, Wichita, Sedgwick County, Kansas. No encroachments allowed in any platted easements, easements dedicated by separate instruments, or any platted setbacks, except the described street side yard setback.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.

(3) All improvements shall be according to City Standards and at the applicant's expense.

(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

ALDRICH moved, **SHERMAN** seconded the motion, and it carried (10-0).

3-2. VAC2012-02: City request to vacate a platted easement.

OWNER/AGENT: Build Wichita, c/o Steve Miller & Belle Chase Development, c/o Steve Miller (owner) Mark Savoy (agent)

LEGAL DESCRIPTION: The platted 20-foot wide drainage and utility easement that runs parallel to the common lot line of Lots 26 & 27, Block B, Bellechase 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of 127th Street East, north of Harry Street, on the southeast corner of Belle Chase and Alden Street (WCC #II)

REASON FOR REQUEST: Boundary shift and existing encroachment of single-family residence

CURRENT ZONING: Subject property, all abutting and adjacent properties are zoned SF-5 Single-family Residential ("SF-5").

The applicant proposes to vacate the platted 20-foot wide drainage and utility easement that runs parallel to the common lot line of Lots 26 & 27, Block B, Bellechase 2nd Addition. This common lot line splits the platted 20-foot wide easement evenly, between the lots; 10 feet on each lot. There is an associated boundary shift and a single-family residence on Lot 26 has been built (2011) into the easement; see exhibit. The easement has no public utilities located in it. Sewer and Westar equipment are located on an abutting and crossing platted 10-foot wide platted utility easement; this will remain intact. The Bellechase 2nd Addition was recorded with the Register of Deeds January 4, 2010.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works, Water & Sewer, Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted drainage and utility easement.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 26, 2012, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by the vacation of the described portion of the platted drainage and utility easement and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

(1) Vacate the platted 20-foot wide drainage and utility easement (except the east 10 feet) that runs parallel to the common lot line of Lots 26 & 27, Block B, Bellechase 2nd Addition, Wichita, Sedgwick County, Kansas.

(2) Any relocation or reconstruction of all/any utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.

(3) All improvements shall be according to City Standards and at the applicant's expense.

(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

(1) Vacate the platted 20-foot wide drainage and utility easement (except the east 10 feet) that runs parallel to the common lot line of Lots 26 & 27, Block B, Bellechase 2nd Addition, Wichita, Sedgwick County, Kansas.

(2) Any relocation or reconstruction of all/any utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.

(3) All improvements shall be according to City Standards and at the applicant's expense.

(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

ALDRICH moved, **SHERMAN** seconded the motion, and it carried (10-0).

PUBLIC HEARING ITEMS

4. **Case No.: ZON2012-02** - Anthony and Elisha Wood (Owners/Applicants) request a

City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential for an existing duplex on property described as:

Lot 3, Block 2, Butler's Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicants request a zone change from the existing SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3") zoning on a 0.5-acre platted property. The site was developed in 1930, presumably with the existing duplex structure. This area came under County zoning in 1958 within the "R-1" zoning district; the R-1 zoning district permitted only single-family residential uses, and did not permit duplexes. The area was subsequently annexed into the City of Wichita, and zoned the current SF-5 district. The applicants are seeking re-financing on this property, and are required by a lending institution to bring the property into zoning conformance.

All immediate surrounding properties are also zoned SF-5 and developed with single-family residences, the bordering lot to the east is vacant. Lots one block north are zoned MF-18 Multi-family Residential ("MF-18") and developed with duplexes and multi-family buildings. The application area is 700 feet south of 31st Street South and the Planeview neighborhood. Approximately 900 feet to the east and west of this site are manufactured home parks in LC Limited Commercial ("LC") and MH Manufactured Housing ("MH") zoning.

CASE HISTORY: The property was platted as Lot 3, Block 2, Butler's Addition to Wichita in 1950. The plat took place after the residence was built in 1930.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, MF-18	Single-family residences, duplexes, multi-family
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Vacant, single-family residences
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The subject property has frontage along Navajo Lane, an unpaved, two-lane, local street with a 60-foot right-of-way. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for "Urban Residential" use. Urban Residential is designated for 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 upon the information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

1. **<u>The zoning, uses and character of the neighborhood</u>:** All immediate surrounding properties are also zoned SF-5 and developed with single-family residences, the bordering lot to the east is vacant. Lots one block north are zoned MF-18 and developed with duplexes and multi-family buildings. The application area is 700 feet south of 31st Street South and the Planeview neighborhood. Approximately 900 feet to the east and west of this site are manufactured home parks in LC and MH zoning.

2. **<u>The suitability of the subject property for the uses to which it has been restricted</u>:** The site could be developed with a single family residence; the existing structure could be renovated into a single-family residence under the current zoning. However, the existing duplex is not a conforming use under the existing SF-5 zoning.

3. **<u>Extent to which removal of the restrictions will detrimentally affect nearby property</u>:** Approval of the request would allow the existing duplex to remain in place, and allow it to be in conformance with the zoning code. The existing duplex does not appear to have a negative impact on surrounding properties.

4. **<u>Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies</u>:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for "Urban Residential" use. Urban Residential is designated for 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).

5. **<u>Impact of the proposed development on community facilities</u>:** Traffic on the existing residential street will remain consistent with the traffic demand that has existed for many years.

JESS MCNEELY, Planning staff presented the Staff Report.

<u>MOTION:</u> To approve subject to staff recommendation.

KLAUSMEYER moved, **FOSTER** seconded the motion, and it carried (10-0).

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5. **<u>Case No.: CON2012-02</u>** - Timothy Chadd (Owner/Applicant) and Mary Savoy (Agent) request a City Conditional Use request to allow a playground for a daycare facility located on an adjacent property on property described as:

Lots 3 and 4, Block 5, Golden Gardens Addition to Wichita, Sedgwick County, Kansas

<u>BACKGROUND</u>: The applicant is seeking Conditional Use approval to permit a playground for a "day care, general" on 0.43 acres located at 1033 north Illinois Avenue, on the southwest corner of Illinois Avenue and Zoo Boulevard. The subject site is a part of a two property area that also includes a property along West Street. The applicant proposes to develop the property along West Street, which is zoned LC Limited Commercial ("LC"), with a daycare, general, facility and to develop the subject property, which is zoned SF-5 Single-family Residential ("SF-5"), with a playground to serve the proposed daycare. The playground is required to have a Conditional Use permit since it is considered a

part of the daycare, general use and is located on property zoned SF-5. The daycare facility on the property along West Street is a permitted use since the zoning of that property is LC.

The site plan shows the orientation of the two properties in relation to location and street frontage. The site along West Street show the location of the existing structure and the location of proposed parking and loading spaces. The site plan shows the subject site containing the playground area, shade structures, playhouse, denotes the different ground coverings and depicts the screening fence along the perimeter of the site. There is a gate opening along the Illinois Street frontage, however; the playground is not open to public use and main access to the playground would be from the daycare site.

Per the *Wichita-Sedgwick County Unified Zoning Code* ("UZC"), a "day care, general" is permitted in the SF-5 district only by Conditional Use approval. The UZC defines a "day care, general" as a day care center that provides care, protection and supervision for more than ten individuals at any one time, including those under the supervision or custody of employees, or a day care center for ten or fewer individuals at any one time that is not operated as a home occupation. However, since this application is just for the playground, the only condition that pertains to this use would be Art III, Sec III-D 6.i(c) Outdoor play shall be limited to the hours of 7:30 a.m to 6:30 p.m., if located within 100 feet of a lot containing a dwelling unit.

Property surrounding the subject site to the north and south is zoned SF-5 and are developed with single-family residences. Property east of the subject site, across Illinois Street, is zoned B Multi-family Residential ("B") and is developed with a quadraplex. Property west of the subject site is zoned LC and is developed with an office and the proposed daycare facility.

CASE HISTORY: The property is platted as Lots 3 and 4, Block 5, Golden Gardens Addition, recorded December 18, 1929.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Residential
SOUTH:	SF-5	Residential
EAST:	B	Quadraplex
WEST:	LC	Daycare & Office

PUBLIC SERVICES: The subject site has frontage along north Illinois Avenue (east side of property), a two-lane, unpaved local street without traffic counts. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for "Urban Residential" use. Urban Residential is a category that 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 upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. Outdoor play shall be limited to the hours of 7:30 a.m. to 6:30 p.m.

2. Six to eight foot tall wood screening fence along the north and south property lines.

3. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property surrounding the subject site to the north and south is zoned SF-5 and are developed with single-family residences. Property east of the subject site, across Illinois Street, is zoned B Multi-family Residential ("B") and is developed with a quadraplex. Property west of the subject site is zoned LC and is developed with an office and the proposed daycare facility.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5, which is a district primarily limited to low density residential uses and a few compatible nonresidential uses such as churches, parks or schools. The site is currently undeveloped. The site could continue to be vacant or have a single-family residence developed; however, the addition of a playground would put the property to use and fill in a currently undeveloped site.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: The site has 0.43 acres. The screening proposed for the site and the hours and days of operation minimize potential impacts.

4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant**: Approval of the request would provide additional play area for the proposed daycare facility. Denial of the application could presumably result in a loss of revenue for the daycare operation.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for "Urban Residential" use. Urban Residential is a category that 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.

6. <u>Impact of the proposed development on community facilities</u>: All public facilities are available and existing road facilities are adequate.

DERRICK SLOCUM, Planning Staff presented the Staff Report. He reported that DAB VI approved the request 8-0 and that he has had no citizen contact either for or against the proposal.

ALDRICH asked how children will access the playground from the daycare center. He mentioned the utility easement running between the 2 areas; the chain link fence on the playground site and wood fence along one side. He also asked if the gate would be for emergency access and have a locking device to keep the general public out of the playground.

SLOCUM said he would let the applicant answer the question regarding access. He said the gate will be locked but there will be access in case a ball goes over the fence.

D. SHERMAN asked how high the chain link fence was.

SLOCUM replied 6 feet.

MARK SAVOY, AGENT FOR THE APPLICANT said there will be access directly from the daycare building to the playground. He said the utility easement has no affect on access and is already an existing condition. He mentioned that the 2 pieces of property were bought from 2 different individuals.

ALDRICH asked about State and City licensing requirements and security measures.

SAVOY said he didn't know the answer to that, but added that the children will be supervised while they are on the playground and the gate will be locked at night and maybe during the day. He said this is not a public playground. In addition, he added that pickup and delivery of the children will be in the front of the building.

JOHNSON expressed concern about the gate on Illinois Avenue because it is an unimproved road with no sidewalks.

SAVOY clarified that the gate is not for ingress/egress on a routine basis at all. He concluded by stating that they were in agreement with staff comments.

DOWNING asked the agent if he had a problem with an additional requirement that the pedestrian gate locked at all times and only accessible by daycare staff members. He said he wanted to be assured that children could not go through the gate without supervision.

SAVOY said they had no problem with that requirement.

BARBARA DELHOTAL, 17817 W. 39TH ST., SOUTH, GODDARD, KS said she owns the quadraplexes across the street from the proposed playground which she said are inhabited by mostly older, single people with no children or pets. She said she loves the idea of a daycare center and thought that the City needed more of them. She commented that Zoo Boulevard is an extremely busy street and that Illinois Avenue is a gravel road. She said people cut down Illinois Avenue to get from Zoo Boulevard to West Street and vice versa at a very high rate of speed, which is dangerous. She voiced

concerns about the gate and the east side of the playground. She said the daycare requested additional parking at 9th and West Streets which she thinks means people will park there and walk down Illinois Avenue and go through the back gate if they have access to it. She requested that no more traffic be put onto Illinois Avenue. She said her tenants each have 1 parking space and any guests they have are asked to park on Illinois Avenue which has deep ditches on each side and no sidewalks. She said occasionally they have cars parking on Illinois Avenue which narrows the street even further for through traffic. She asked the Commission to reconsider the idea of a gate and how additional parking can be directed to the front of the building. She concluded by saying that she didn't want to see anyone get hurt.

FOSTER asked so is she recommending that the gate be removed?

DELHOTAL replied yes.

ALDRICH asked the agent if they would feel comfortable with an 8-foot tall wood fence on all perimeters of the playground including the east side.

SAVOY mentioned Unified Zoning Code (UZC) requirements regarding visibility around fencing adjacent to any roadway. He said they are proposing a 6-foot chain link fence with a locked gate. He said there will be no one access to the daycare center or playground from Illinois Avenue. He reiterated that delivery and pickup of children will be at a circular drive in the front of the building. He said the parking lot located at 9th and West Streets could be for employees of the daycare center.

ALDRICH said he didn't think a 6-foot fence was secure enough for the children. He said his worry was not about the kids "getting out" of the playground.

MITCHELL asked how employees would get to the building from the additional parking lot at 9th and West Streets.

SAVOY said along the utility easement.

MILLER STEVENS asked for clarification as to which fencing the Commission was recommending; solid wood or chain link.

FOSTER said he believed there were State regulations regarding the type of fencing required around facilities of this type.

> **MOTION:** To approve subject to staff recommendation and the addition of a lockable gate on the east side of the playground to be opened for emergency access or by daycare staff.
>
> **FOSTER** moved, **SHERMAN** seconded the motion.

ALDRICH asked about requiring that the fence be 8-feet high.

FOSTER said the height of the fence is subject to State regulations depending on the age of the children.

KLAUSMEYER commented that the children will be supervised when they are outside. He said the height of the fence will be whatever the State regulations require.

G. SHERMAN mentioned going to pick up his grandchild at daycare and commented that a chain link fences makes more sense because you can see what is happening on the playground.

The **MOTION** carried (9-1). **ALDRICH** – No.

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6. **Case No.: CON2012-03** - Poe and Associates, c/o Tim Austin requests a City Conditional use request to allow outdoor vehicle and equipment sales in the LC Limited Commercial zone district on property described as:

Lot 1, except the East 24 feet, Rush Fourth Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lot 1, Except the East 24 feet, 2 of Rush 2nd Addition, which is currently, zoned LC Limited Commercial ("LC"). The site is located southeast of the intersection of West Central Avenue and North Maize Road. The subject site is developed with a three-bay door garage/retail/office, used for limited car and light truck service. The applicant proposes to retain the site's limited vehicle repair shop, which is permitted by right, and sell pre-owned vehicles. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The applicant's site plan shows the existing garage/retail/office structure; one proposed drive onto West Central Avenue, proposed vehicle circulation, the parking/display area and the area to be paved for the parking/display area. If approved, the applicant needs to provide a revised site plan giving more detail including any proposed light poles, solid screening around trash receptacle(s), required screening around the outside and landscaping.

The existing office-sales building has bay doors on the north side of the building, and is currently listed by the appraiser's office as an Automobile Service Center. The existing use currently is compliant for the number of parking spaces required for the "vehicle repair, limited" use. Per the UZC Art IV, Sec IV-A, "Off-Street Parking Standards," the 986-square foot office for the vehicle sales use would trigger the need for at two parking spaces. The UZC also requires two parking spaces for the first 10,000-square feet of lot area used for sales, display or storage purposes, plus one parking space for each 10,000-square feet of lot area used for sales, display or storage purposes thereafter. The applicant has calculated the display area size being 36,160-square feet, thus the applicant will be required to provide five parking spaces for the display area. A total of eight spaces will be required for the vehicle sales use.

Property north of the site is zoned LC Limited Commercial ("LC") and developed with office uses. Property south of the site is zoned SF-5 Single-family Residential ("SF-5") and developed with a residence. Property west of the site is zoned LC and is developed with a telephone company office building. East of the site, the property is zoned LC and is developed with an apartment complex.

CASE HISTORY: The site was platted as Lot 1, Except the East 24 feet, 2 of Rush 2nd Addition; Wichita, Sedgwick County, Kansas on September 22, 1966.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Offices

SOUTH:	SF-5	Residence
EAST:	LC	Apartments
WEST:	LC	Utility

PUBLIC SERVICES: The subject property has access to Central Avenue, a five-lane arterial at this location with an average daily trip count (ADT) of 33,000 at its intersection with Maize road. Maize is a four-lane arterial at this location with an ADT of 36,000 at its intersection with Central Avenue. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, it does match up with the MAPC's criteria of locating smaller car sales lots within sites that had previously been used for auto related businesses. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application. Usually, but not always, on an application for a Conditional Use for a small site for car sales, the car sales are the only business to operate on the site. In this case the applicant proposes to retain the permitted by right limited vehicle repair business, while operating a car sales lot. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

1) Obtain all permits and inspection as required by OCI. All development will be per City Code including landscaping, code compliance and any other applicable standards.

2) In addition to uses permitted by right in the "LC" Limited Commercial district, the site is permitted "vehicle and equipment sales, outdoor" as long as the sale of vehicles is associated with a legal vehicle repair use. The sale or rental of trailers and vehicles or trucks larger than pickups is not permitted.

3) No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.

4) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

5) The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within one year of approval by the MAPC or the City Council. The landscaping plan will be submitted for review by the Planning Director, and approval of the landscape plan shall be obtained prior to the issuance of any permits. The applicant will remove any asphalt needed to come into compliance with the Landscape Ordinance and to ensure that development does not encroach into right-of-way.

6) A parking barrier, such as bumper blocks or a pipe railing, shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.

7) No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.

8) There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.

9) No outdoor amplification system shall be permitted.

10) No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.

11) The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 12 feet, including the base, and directed onto the site and away from the residential development abutting the west side of the site.

12) All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.

13) The entrances shall be reviewed and approved by the Traffic Engineer. This must be provided to the City, prior to the Conditional Use being finalized. The applicant shall guarantee the closure of all but the approved entrances according to City standards.

14) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.

15) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

16) 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is zoned LC Limited Commercial ("LC") and developed with office uses. Property south of the site is zoned SF-5 Single-family Residential ("SF-5") and developed with a residence. Property west of the site is zoned LC and is developed with a telephone company office building. East of the site, the property is zoned LC and is developed with an apartment complex.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum negative effect on the area and at best improve the property, with the application of access control, landscaping, screening and the other conditions on the site.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." "This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing." In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the **Commercial/Office Objective** to "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses," as well as **Strategy III.B.6** recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets. The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. However, this conditional use requests only vehicle sales on an existing site currently operating with a vehicle service. There is no adopted neighborhood plan that would specifically discourage car rental at this site. The conditional use conditions should mitigate any potential negative effects on surrounding properties.

5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

KLAUSMEYER moved, **FOSTER** seconded the motion, and it carried (10-0).

NON-PUBLIC HEARING ITEMS

7. Conformity of the proposed 2011-2020 City of Wichita Capital Improvement Program with the Wichita-Sedgwick County Comprehensive Plan.

Background: On February 2, 2012, the Advance Plans Committee of the Metropolitan Area Planning Commission received a presentation on the proposed *2011-2020 City of Wichita Capital Improvement Program* (C.I.P.) from the City's Budget Office.

Analysis: Section *12-748* of Kansas statutes requires a planning commission to review the capital improvement program (C.I.P.) of its municipality to make a finding as to whether the proposed public improvements, public facilities or public utilities conform with the adopted comprehensive plan. If the planning commission finds that any such proposed public improvement does not conform to the plan, the commission shall submit in writing to the governing body, the manner in which such improvement does not conform.

Staff has reviewed the proposed *2011-2020 City of Wichita Capital Improvement Program* and has determined that the public improvements proposed therein conform with the adopted Wichita-Sedgwick County Comprehensive Plan. The Advance Plans Committee also reviewed the proposed C.I.P. and unanimously passed a motion at its meeting of February 2, 2012, finding the proposed *2011-2020 City of Wichita Capital Improvement Program* to be in conformity with the Wichita-Sedgwick County Comprehensive Plan as amended.

Recommended Action:
That the Metropolitan Area Planning Commission find the proposed *2011-2020 City of Wichita Capital Improvement Program* to be in conformity with the adopted Wichita-Sedgwick County Comprehensive Plan as amended.

DAVE BARBER, Planning Staff presented the Staff Report and introduced **MARK MANNING, FINANCE DEPARTMENT.**

MARK MANNING, FINANCE DEPARTMENT presented a brief overview of the Capital Improvement Program Budget including: purpose; project prioritization and timing issues; a calendar of workshops leading up to adoption including presentations to the Advance Plans Committee, District Advisory Boards and Planning Commission; funding sources including General Obligation (GO) Bonds, property and local sales taxes (LST's), water/sewer, Federal/State grants and other; debt service as a percent of local sales tax fund revenues; debt levels; drainage projects funded by stormwater utility, GO debt levels; project categories; and specific project review.

ALDRICH asked about the floodway between 25 and 29th Streets.

GARY JANZEN, PUBLIC WORKS commented that there have been numerous studies on the floodway and the I-235 corridor. He mentioned that the City Council has approved the floodway crossing at 13th Street. He said they would like to keep the floodway project **COMMISSIONER ALDRICH** is referring to in the C.I.P. although they don't know when it is going to happen and no funds have been set aside for it right now. He added that project depends on development as much as anything and that has slowed down at this time.

ALDRICH asked if there were projects that can't be postponed until the economy returns.

JANZEN said immediate projects included the Airport, the 21st and Maize Road intersection; and 135th Street northwest of the YMCA. He said several projects have been pushed out.

ALDRICH asked about reductions in the level of State highway transportation funding and if staff had concerns about impacts on immediate projects.

JANZEN responded that the biggest projects that could be impacted are east Kellogg and Kellogg and I-235, which is a project that the County is helping fund and the State is building. He said some current projects have different sources other than State Transportation Works (T-Works) funding; however, he added that the Legislature is cutting back on sales tax revenue on T-Works funding which could have a major impact on east Kellogg. He said the City is currently purchasing right-of-way for the project and had planned on starting construction in 2 years.

G SHERMAN asked about the Sewer Utility Fund and line items for transfers for C.I.P. projects on pages 68-70 of the C.I.P. budget.

MANNING replied that is cash funding for sewer and water C.I.P. projects.

MILLER STEVENS asked about the aquifer project and legislation that has been proposed and if that will cause additional costs. She asked if staff has been looking at that.

MANNING indicated that they are closely monitoring the situation and have serious concerns about how it will impact the C.I.P.

MITCHELL referred to 2 pages of questions he gave the Planning Director regarding the C.I.P. and asked if **MANNING** had answers to those questions.

MANNING mentioned that **COMMISSIONER MITCHELL's** questions concerned use of local sales tax funds and particularly whether LST's were used for the Redbud Bike Trail. He said the City uses LST's in accordance with the Ordinance. He said the simple answer is no LST's have been or will be used for the Redbud Bike Trail. He said the primary reason this project is separate from the "Walking and Exercise" line item in the Park Department C.I.P. is because the walking and exercise trails line item is an "unallocated" item pending continued evaluation and design.

MITCHELL asked how other bike paths are going to be financed.

MANNING said bike paths are traditionally funded with 30% GO funds and 70% Federal funding.

MITCHELL asked about the Delano Urban Village Concept.

MANNING responded that although no funding has been allocated to the project they would still like to keep it on the "radar screen."

MITCHELL asked if there was a reason why the project is still in the C.I.P. budget.

DIRECTOR SCHLEGEL replied because the proposed project is part of the adopted Delano Plan and the City Council still supports that as a project without any funding.

MITCHELL asked if that project could be reconsidered from a planning standpoint.

DIRECTOR SCHLEGEL said there is always a reason to reconsider any plan and asked if **COMMISSIONER MITCHELL** would like a discussion of the plan placed on a future Planning agenda.

CHAIR FARNEY asked how often the C.I.P. budget is reviewed.

MANNING responded ideally on an annual basis; however, he added that it has been 2 years ago since the budget was last reviewed.

> **MOTION:** That the Metropolitan Area Planning Commission find the proposed *2011-2020 City of Wichita Capital Improvement Program* to be in conformity with the adopted Wichita-Sedgwick County Comprehensive Plan as amended.
>
> **MITCHELL** moved, **G. SHERMAN** seconded the motion, and it carried (10-0).

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8. Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 3:13 p.m.

State of Kansas)
Sedgwick County) SS

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____day of _____, 2012.

_____
John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
(SEAL) Area Planning Commission