METROPOLITAN AREA PLANNING COMMISSION

MINUTES

March 15, 2012

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 15, 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; David Dennis, Vice Chair; Bob Aldrich; David Foster; Bill Johnson; Don Klausmeyer; John W. McKay, Jr.; and M.S. Mitchell. Ron Marnell; Morrie Sheets; Debra Miller Stevens; Don Sherman and George Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Kelly Rundell, Deputy City Attorney; Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary

1. Approval of the March 1, 2012 Planning Commission minutes.

MOTION: To approve the March 1, 2012 meeting minutes, as amended.

MCKAY moved, **ALDRICH** seconded the motion, and it carried (8-0).

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2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS – There were no Subdivision items.

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3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2012-05: Vacation request to vacate and move a sanitary sewer easement.

APPLICANT/AGENT: Davis-Moore Real Estate, LLC, (applicant/owner) K.E. Miller, PA, c/o Kirk Miller (Agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of a 20-foot wide sanitary sewer easement dedicated by separate instrument (Film 2004, Page 1479), all in Lot 2, Block 1, Carriage House Plaza Fourth Addition, Wichita, Sedgwick County, Kansas (see attached exhibit)

LOCATION: Generally located east of Tyler Road, on the northeast side of the McCormick Avenue – Kellogg Drive intersection (WCC #V)

REASON FOR REQUEST: Proposed future building encroaches over easement & sewer line.

CURRENT ZONING: The site and abutting eastern and western properties are zoned LC Limited Commercial ("LC") and GC General Commercial ("GC") with CUP overlays. Abutting northern properties are zoned SF-5 Single-Family Residential. Kellogg/US 54 abuts the south side of the site.

The applicant proposes to vacate a portion of a sanitary sewer easement dedicated by separate instrument; Film 2004, Page 1479. The applicant has provided an exhibit showing the general area of the vacation and showing an existing sewer line in the easement. The applicant has turned in a private project for relocation of the sewer line for review and approval by Public Works; PPS #2124. There are

no other utilities located within the subject easement. The Carriage House Plaza Fourth Addition was recorded with the Register of Deeds August 27, 1998.

Note: This case is related to V-2204, a request to vacate portions of five platted easements, approved by the MAPC on October 28, 1999, but never finished, and VAC2011-29, filed to complete V-2204, approved by the MAPC on December 8, 2011, but not finished.

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 easement dedicated by separate instrument.

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 February 23, 2011, 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 easement dedicated by separate instrument 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) Provide Public Works/Water and Sewer/Stormwater (public utilities) and franchise utilities with any needed project plans for the abandonment or relocation of the sewer and water for review and approval. Abandonment or relocation/reconstruction of any/all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. Provide approved project numbers to Planning prior to the case going to City Council for final action.

(2) Provide Planning with a legal description of the vacated easement, on a Word document, via e-mail. This must be provided prior to the case going to City Council for final action.

(3) Provide Stormwater and all utilities with any needed easements. The approved easements must be provided to Planning prior to the case going to City Council.

(4) Confirm that a lot split has been recorded to reflect the lot configuration of Lot 2, as required by amendment #2 to DP-50.

(5) Per MAPC Policy Statement #7, all conditions are to 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) Provide Public Works/Water and Sewer/Stormwater (public utilities) and franchise utilities with any needed project plans for the abandonment or relocation of the sewer and water for review and approval. Abandonment or relocation/reconstruction of any/all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. Provide approved project numbers to Planning prior to the case going to City Council for final action.

(2) Provide Planning with a legal description of the vacated easement, on a Word document, via e-mail. This must be provided prior to the case going to City Council for final action.

(3) Provide Stormwater and all utilities with any needed easements. The approved easements must be provided to Planning prior to the case going to City Council.

(4) Confirm that a lot split has been recorded to reflect the lot configuration of Lot 2, as required by amendment #2 to DP-50.

(5) Per MAPC Policy Statement #7, all conditions are to 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.

DENNIS moved, **ALDRICH** seconded the motion, and it carried (8-0).

PUBLIC HEARINGS

COMMISSIONER JOHNSON recused himself from the item.

4. **Case No.: ZON2012-04** - John Dugan (Owner/Applicant and K.E. Miller Engineering, PA c/o Kirk Miller (Agent) request a City zone change from SF-5 Single-Family Residential to LI Limited Industrial on property described as:

The East 128 feet of the West 898.75 feet of the Southwest quarter lying North of highway K-42 Section 8, Township 28, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicant requests a zone change from SF-5 Single-Family Residential ("SF-5") to LI Limited Industrial ("LI") on a 1.51-acre unplatted tract located 800 feet east of South Maize Road, along the north

side of K-42. According to county records, the subject property is currently developed with a single-family residence; however a site visit did not reveal any residential structures. Currently, there are structures accessory to the industrial use abutting the west side of the site.

The surrounding area is characterized primarily by industrial uses, although four single-family residences remain along K-42 east of the subject site on property zoned SF-5. The property north of the subject site is zoned LI, and is developed with a transit warehouse facility (Fed-Ex). Property south of the subject site, across K-42, is zoned LI, and is developed with a manufacturing operation. Property west of the subject site is zoned LI, and is developed with a plastic manufacturing facility.

Since the property east of the subject site is zoned SF-5, the Unified Zoning Code ("UZC") screening, lighting, and noise standards and the Landscape Ordinance landscaped street yard, parking lot landscaping and buffering requirements will apply. The UZC compatibility setback standards also apply unless a Zoning Adjustment is requested and granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback.

CASE HISTORY: The property is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Transit warehouse
SOUTH:	LI	Machinery manufacturing
EAST:	SF-5	Single-family residential
WEST:	LI	Manufacturing

PUBLIC SERVICES: The subject property has frontage along K-42, a four-lane, divided expressway with 11,200 Average Daily Trips (ADTs) at this location. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "employment/industry center." The employment/industry center category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. This request is in conformance with the plan.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is characterized primarily by industrial uses, although four single-family residences remain along K-42 east of the subject site on property zoned SF-5. The property north of the subject site is zoned LI, and is developed with a transit warehouse facility (Fed-Ex). Property south of the subject site, across K-42, is zoned LI, and is developed with a manufacturing operation. Property west of the subject site is zoned LI, and is developed with a plastic manufacturing facility.

2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is zoned SF-5 and is already being partially used for an industrial use. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, further residential development of the subject property would not be suitable and would be contrary to the community's goal of converting the area from residential to industrial use.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: Detrimental effects on remaining residential properties in the area are reduced by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscape street yard, parking lot screening, buffer landscaping requirements of the Landscape Ordinance. These ordinances help limit noise, lighting, and other activity from adversely impacting the surrounding residential properties.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "employment/industry center. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports.

5. **Impact of the proposed development on community facilities:** Approval of the request should not have a negative impact on community facilities.

MOTION: To approve subject to staff recommendation.

DENNIS moved, **MCKAY** seconded the motion, and it carried (7-0-1). **JOHNSON** – Abstained.

COMMISSIONER JOHNSON recused himself from the item.

5. **Case No.: ZON2012-05** – Alta Marie Thompson Rev. Trust (Owner); Absolute Natural Stone (Applicant) and K.E. Miller Engineering, PA, c/o Kirk Miller (Agent) request a City zone change from SF-5 Single-Family Residential and LC Limited Commercial to GC General Commercial on property described as:

The East half of the Northwest quarter of the Northeast quarter EXCEPT beginning at the Northeast corner of the Northwest quarter of the Northeast quarter, thence South 40 rods, thence West 16 rods, thence North 40 rods, thence East to beginning and EXCEPT .75 acres deeded for state highway, and EXCEPT that part lying Southeast of the Kansas Turnpike Authority right of way, Section 27, Township 27, Range 2 East of the 6th Principle Meridian, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting GC General Commercial ("GC") zoning for the LC Limited Commercial ("LC") and SF-5 Single-Family Residential ("SF-5") zoned, undeveloped 10-acre tract. The applicant sells natural rock, used primarily in landscaping. The rocks are stored outside and may be cut per job order at the site. As described to staff, the applicant's business fits into the Unified Zoning Code's ("UZC") definition of "Construction Sales and Service"; (See Sec. II-B, 3.n of the Unified Zoning Code ("UZC"). Construction Sales and Service is permitted by right in the GC zoning district. The applicant's current GC zoned site is located west of Greenwich Road and on the south side of Kellogg Road/US 54/400 (Kellogg), 10901 E. Kellogg Street. Upcoming improvements to Kellogg from Webb to Greenwich Roads will reduce the size of their current 2.3-acre site. The applicant is looking at the subject 10-acre site as a possible place to move their business. In lieu of a Community Unit Plan ("CUP") the applicant has provided a proposed Protective Overlay ("PO"). (Sec. III-C, 2.b of the UZC permits the substitution of a PO for a CUP.)

The applicant's proposed PO includes: a list of prohibited uses, the UZC's minimum setbacks for the GC zoning district, as well as landscaping, parking and signage per the GC zoning district. The proposed PO also refers to any transfer of title not voiding the provisions of the PO, minimum language for architectural control and the responsibility of any and all owners association, and states that all drainage and easements will be determined at the time of platting. The applicant's site plan shows one parcel with an office, parking and display area facing the Kellogg. The site plan also shows a 'billboard' along the Kellogg frontage. A billboard is defined in Title 24, the City of Wichita Sign Code as three types of "off-site signage." (There are another two billboards shown along the I-35 frontage.) On the applicant's site plan, a garden and landscaping yard is located behind and along the east side of the office area, going up to Kellogg. A larger building housing a stone cutting area, warehouse, shop and office is located on the south end of the site, up against I-35.

Properties abutting the east and west sides of the site are zoned GC. The abutting 3.4-acre GC zoned eastern property is currently vacant, with an unoccupied building and scattered remnants of piles of rock, gravel, stone, dirt and brick. Haphazard piles of pallets, some outdoor shelving, some light trucks and other materials are also located on the site; the Suburban Equipment Sales Addition, platted 11-14-1978. A monopole is also located on the Suburban Equipment Sales Addition property; CON2000-54. Next to this developed but vacant property, is a 6.15-acre GC zoned tree farm, whose south and east sides abut I-35; Mattingly Add., 07-15-1979. The abutting GC 7.5-acre zoned western property has the CUP DP-117 overlay, and is currently developed with a self storage warehouse. The next western property is the (+) 80-acre GC and LI Limited Industrial ("LI") zoned CUP DP- 196, anchored with large box retailers Wal-Mart and Lowes, smaller retail, both sit down and fast food restaurants and a bank. A LI zoned car dealership is also in this western property, but sits outside CUP DP- 196. North of the site, across Kellogg are large, undeveloped LC, SF-5 and SF-20 Single-Family Residential ("SF-20") zoned properties. There are also small GC and LC zoned small car repair shops, small retail, car dealerships and undeveloped and vacant sites located in the area. South of the site across I-35 is are SF-5 zoned single-family neighborhood, an elementary school and undeveloped GC zoned land.

CASE HISTORY: The site was annexed into the city between 1961 and 1970. District Advisory Board II (DAB II) considered this request at their March 5, 2012 meeting and voted unanimously to approve the requested zoning and the PO.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, SF-20, LC, GC	Kellogg Street/US 54/400, undeveloped and vacant land, auto repair, car dealerships
SOUTH:	SF-5	I-35, single-family residential subdivision, elementary school, undeveloped land
EAST:	GC	Vacant retail/construction sales and service, tree farm, I-35
WEST:	GC, LI	Self storage, large box retails, retail, fast food restaurants sit down restaurants, bank, car dealership

PUBLIC SERVICES: Kellogg Street/US 54/400 (Kellogg) is a paved, four-lane US Highway, with turn lanes, a grassy median ditch and dirt frontage roads at this location. The dirt frontage road is the only way in and out of the site. Improvements to Kellogg have been ongoing for most of the past decade, with the latest improvements in this area being over a mile west of this area, between Rock Road and Webb Road. Upcoming improvements to Kellogg from Webb to Greenwich Roads have caused the applicant to look at this site as a possible place on which to move their business. Traffic

counts for this section of Kellogg are between 32,888 – 26,805 average trips per day. Public Water appears to be available to the site; however public sewer will need to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts the site as being appropriate for "Regional Commercial." The Regional Commercial category encompasses major destination areas that contain concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of regional traffic. Typically they are located in close proximity to freeways or major arterials and include such uses as major retail malls, major car dealerships and big box retail. Many of the uses permitted in the GC zoning district, resemble the Guide's "Regional Commercial" category. The applicant's 10-acre site is large enough to develop for a regional market and its location off of a US Highway/major arterial meets the location criteria.

As described the applicant's business fits into the Unified Zoning Code's ("UZC") definition of "Construction Sales and Service"; Sec. II-B, 3.n. Construction Sales and Service is permitted by right in the GC zoning district. The applicant declined to provide a CUP, but has provided a proposed PO for their 10-acre site; Sec. III-C, 2.b. The most recent commercial development of 6-acres or more in the area have CUPs; CUP DP-117 and CUP DP- 196. In keeping with the recent commercial development standards of the area, Staff has used portions of these abutting and adjacent CUP standards for the recommended PO.

RECOMMENDATION: The requested GC zoning is the prevalent zoning in the area. The amount of outside display and storage of the site's landscaping stone and other landscaping materials may be a new use for the area, although the remnant materials on the western abutting Suburban Equipment Sales Addition site suggest otherwise. Staff recommends **APPROVAL** of the proposed GC zoning subject to the following conditions:

PLATTING WITHIN A YEAR OF APPROVAL BY THE GOVERNING BODY AND TO THE FOLLOWING PROVISIONS OF A PROTECTIVE OVERLAY ("PO") DISTRICT:

1. The transfer of title on all or any portion of the land included in the development does not constitute a termination of the PO or any portion thereof, but said PO shall run with the land for development and be binding upon present land owners, their successors and assigns and their lessees unless amended.
2. If multiple ownership is anticipated an owners association agreement providing for the maintenance of reserves, open spaces, internal drives, parking areas, drainage improvements, etc, shall be filed with the plat of the area.
3. Certain development requirements including, but not limited to, drainage, access, easements, and road improvements (including guarantees and dedication of right-of-way) shall be determined at the time platting.
4. Prior to publishing the ordinance making the zone change official, the applicant shall provide a revised PO site plan drawing for review and consideration of approval by the Planning Director. The revised PO site plan drawing shall include all provisions to the approved PO. The site shall be developed and operated in conformance with the approved PO site plan and other applicable regulations unless specifically modified by this PO.
5. The uses allowed within this PO shall be confined to those listed within the parcel descriptions. Any additional uses will require an adjustment or an amendment to this
   P O. Any cutting of stone shall be done indoors.

6. A 35 foot building setback shall be required along the perimeter of the subject site. No trash receptacles, parking, lighting, outdoor storage or any structure will be allowed in the setbacks. The setbacks will be shown on the PO site plan drawing.
7. Screening per UZC CUP requirements and landscaping per the Landscape Ordinance shall be installed. All existing landscaping located within the 35-foot setbacks shall remain. A landscape plan prepared by a licensed Kansas Landscape Architect will be submitted for approval prior to issuance of certificate of occupancy and shall comply with the Landscape Ordinance. If all required screening or landscaping is not installed prior to occupancy, a financial guarantee shall be provided for the necessary screening, landscaping and watering equipment. A landscape plan shall include how the landscaping shall be maintained. All planting must be done within a year of approval by the governing body.
8. Up to 20-foot tall (including the base) pole lighting standards are allowed. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. All lights on buildings will be directed down and away from residential development.
9. All trash dumpsters and loading dock areas will have solid screening around them.
10. Roof top mechanical equipment shall be screened from ground level view, per Wichita – Sedgwick County Unified Zoning Code
11. No outside speakers/amplification
12. All off street parking and parking areas shall have a surface in accordance with the Wichita – Sedgwick County Unified Zoning Code.
13. A vehicular and pedestrian circulation plan shall be prepared for review and approval and will include cross lot access.
14. No occupancy permits will be issued until the site is serviced by municipal water and sewer.
15. All proposed new utilities will be installed underground.
16. All drives and access thorough the site will be surfaced per the standards of the City of Wichita. Fire must approve circulation and all fire lanes must remain clear.
17. All buildings/structures must meet City Codes and permitting requirements. All buildings will be of similar materials and design.
18. Signs: All signs must be a monument type as permitted in the General Commercial ("GC") zoning district. No portable or flashing signs (unless telling the time, temperature or other public messages) shall be permitted on the subject property. No building signs shall be permitted along the face of any building that abuts a residential zoning district. Wall display signs are limited to 25% of the wall area. Each parcel is allowed at least one free standing 170-sqaure foot sign per arterial frontage. No offsite signs, unless approved by the MAPC or the governing body after a review of the proposed sign.
19. All outside storage of sand and dirt shall have three sided walls or fences to prevent the wind from blowing these materials around and from the site.
20. If the Zoning Administrator finds that there is a violation of any of the provisions of the Protective Overlay, 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 zoning is null and void.
21. All uses permitted by right in the GC district are permitted.
22. The following development standards shall apply:
    Maximum Building Height = 35 feet
    Maximum Coverage = 30%
    Maximum Gross Floor Area = 35%

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties abutting the east and west sides of the site are zoned GC. The abutting 3.4-acre GC zoned eastern property is currently vacant, with an unoccupied building and scattered remnants of piles of rock, gravel, stone, dirt and brick. Haphazard piles of pallets, some outdoor shelving, some light trucks and other materials are also located on the site; Suburban Equipment Sales Addition, platted 11-14-1978. A monopole is also located on this abutting property; CON2000-54. Next to this vacant property is a 6.15-acre GC zoned tree farm, whose south and east sides abut I-35; Mattingly Addition, 07-15-1979. The abutting GC 7.5-acre zoned western property has the CUP DP-117 overlay and is currently developed with a self storage warehouse. The next western property is the (+) 80-acre GC and LI Limited Industrial ("LI") zoned CUP DP- 196, anchored with large box retailers Wal-Mart and Lowes, smaller retail, both sit down and fast food restaurants and a bank. A LI zoned car dealership is also in this western property, but sits outside CUP DP- 196. North of the site, across Kellogg are large, undeveloped LC, SF-5 and SF-20 Single-Family Residential ("SF-20") zoned properties. There are also small GC and LC zoned small car repair shops, small retail, car dealerships and undeveloped and vacant sites in the area. South of the site across I-35 are SF-5 zoned single-family neighborhood, an elementary school and undeveloped GC zoned land.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC and SF-5 which permits office uses and local types of commercial development with limited outdoor display. The zoning also permits residential uses and other compatible uses such as churches, schools, parks or libraries. The GC zoning is in character with the area (GC zoning is the dominant zoning in the area) and permits the outdoor display and storage the applicant's business requires. Because of the areas dominate commercial and industrial zoning, the site's SF-5 zoning is out of character and is less likely to develop as single-family residential.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff's proposed P-O is in line with the most recent commercial development standards of the area. The most recent commercial development of 6-acres or more in the area have CUPs; CUP DP-117 and CUP DP- 196. Staff has used portions of these abutting and adjacent CUP standards for the PO, to ensure the proposed development will be similar to current/more recent commercial development in the area.

4. Length of time the property has been vacant: The property currently does not have any development and aerials back to 1997 show development on the site.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the site as being appropriate for "Regional Commercial." The Regional Commercial category encompasses major destination areas that contain concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of regional traffic. Typically they are located in close proximity to freeways or major arterials and include such uses as major retail malls, major car dealerships and big box retail. Many of the uses permitted in the GC zoning district, resemble the Guide's "Regional Commercial" category. The applicant's 10-acre site is large enough to develop for a regional market and its location off of a US Highway/major arterial meets the location criteria.

As described the applicant's business fits into the Unified Zoning Code's ("UZC") definition of "Construction Sales and Service"; Sec. II-B, 3.n. Construction Sales and Service is permitted by right in the GC zoning district. The applicant declined to provide a CUP, but has provided a proposed PO for their 10-acre site; Sec. III-C, 2.b. The most recent commercial development of 6-acres or more in the area have CUPs; CUP DP-117 and CUP DP- 196. In keeping with the recent commercial development standards of the area, Staff has used portions of these abutting and adjacent CUP standards for the PO.

6. Impact of the proposed development on community facilities: Developing the site's 10-acres of as permitted with the proposed GC zoning and PO will impact all community facilities, as did the previous developments in the area, such as the (+) 80-acre GC and LI Limited Industrial ("LI") zoned CUP DP- 196.

MOTION: To approve subject to staff recommendation.

DENNIS moved, **MCKAY** seconded the motion, and it carried (7-0-1). **JOHNSON** – Abstained.

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6. **Case No.: CUP2012-03** – Fashion Ventures Inc. (Owner) and Trimark Signs (Agent) request a CUP Amendment #3 to DP-256, The Collective, to increase the height and size of signs on Parcel 5A on property described as:

That part of lot 5 beginning 165 feet West of the Northeast corner, thence South 235.5 feet, thence West 191.47 feet, thence North 85.99 feet, thence Northwesterly 89.8 feet, thence North 6.35 feet, thence Northeasterly 119.04 feet, thence East 232.14 feet to the beginning, Block 1, The Collective an Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant requests Amendment #5 to DP-256, The Collective, to increase the height and size of a sign on Parcel 5A. The property is located south of 21st Street North and east of K-96 (12111 E 21st Street N). DP-256 restricts Parcel 5A to two 10-foot tall monument signs with 60 square feet of sign area each; both of these signs exist in Parcel 5A. The applicant now wishes to amend the restriction to allow a 12.5-foot tall sign with 81 square feet of area (see the attached sign elevation drawing). Without the CUP restrictions, the Sign Code would allow this sign 25 feet in height and 129 square feet of area, based on the site's arterial street frontage and the other existing sign on the site. Both the existing and proposed sign are multi-tenant signs for several businesses within the CUP.

The Collective CUP is zoned LC, and is currently developed with nine separate buildings and a mix of business types. Property north of the application area is zoned SF-5 Single-family Residential ("SF-5") and developed with a church. South of the site is the LC zoned DP-256, further south is a GO General Office ("GO") zoned medical facility. East of the site is the LC zoned DP-256, further east, across Founders Street, is an SF-5 zoned private high-school. West of the site is the elevated K-96 expressway, further west is undeveloped LC zoned property.

CASE HISTORY: The site is a portion of Block 1, The Collective Addition, platted in 2001. LC zoning and the CUP were approved in 2001. The CUP has nine administrative adjustments, and four previous amendments. Previous amendments regarding signage became necessary with lot and parcel splits.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Church
SOUTH:	LC, GO	Retail, medical office
EAST:	LC, SF-5	Retail, private high-school
WEST:	LC	K-96, vacant commercial property

PUBLIC SERVICES: The application area has direct access to 21st Street North, a 4-lane arterial at this location with additional turn lanes at the K-96 intersection, and a turn lane into the subject CUP.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "Local Commercial," a classification limited to "predominately commercial, office and personal service uses that do not have a significant regional market draw." The use conforms to this designation. The Wichita Sign Code restricts the number and size of signage along arterial streets, the proposed amendment is in conformance with the Sign Code requirements.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the request be approved, subject to the following conditions:

1. The sign shall be limited to 12.5 feet in height and 81 square feet, and shall generally conform to the submitted site plan and elevation drawing.
2. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The Collective CUP is zoned LC, and is currently developed with nine separate buildings and a mix of business types. Property north of the application area is zoned SF-5 and developed with a church. South of the site is the LC zoned DP-256, further south is a GO zoned medical facility. East of the site is the LC zoned DP-256, further east, across Founders Street, is an SF-5 zoned private high-school. West of the site is the elevated K-96 expressway, further west is undeveloped LC zoned property.

2. The suitability of the subject property for the uses to which it has been restricted: The property is suited for its current use. A sign in conformance to the Wichita Sign Code regulations would be appropriate for the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: All surrounding property is used for large institutions, commercial businesses, and a medical office. The requested small increase in signage, still below Sign Code restrictions, should have no negative impact on surrounding properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "Local Commercial," a classification limited to "predominately commercial, office and personal service uses that do not have a significant regional market draw." The use conforms to

this designation. The Wichita Sign Code restricts the number and size of signage along arterial streets, the proposed amendment is in conformance with the Sign Code requirements.

5. Impact of the proposed development on community facilities: This CUP amendment should have no impact on community facilities.

MOTION: To approve subject to staff recommendation.

DENNIS moved, **MCKAY** seconded the motion, and it carried (8-0).

NON-PUBLIC HEARING ITEMS

The Metropolitan Area Planning Commission adjourned at 1:37 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