

METROPOLITAN AREA PLANNING COMMISSION

Minutes

April 4, 2013

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, April 4, 2013, 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: David Dennis, Chair; George Sherman, Vice Chair; David Foster; Matt Goolsby; Bill Johnson; Joe Johnson; Don Klausmeyer; John W. McKay Jr.; M.S. Mitchell (In @1:32 p.m.); Debra Miller Stevens and Chuck Warren. Commission members absent were: Don Sherman. Staff members present were: Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jess McNeely, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the prior March 7, 2013 MAPC meeting minutes.

MOTION: To approve the March 7, 2013 meeting minutes, as amended

MCKAY moved, B. JOHNSON seconded the motion, and it carried (8-0-2).
J. JOHNSON and KLAUSMEYER – Abstained.

MITCHELL (In @1:32 P.M.)

2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

2-1. SUB2013-00010: One-Step Final Plat – WEST 47TH ADDITION.

NOTE: The applicant requests a zone change (ZON2013-00002) from LC Limited Commercial to GC General Commercial along with a Protective Overlay addressing uses, screening, signage, parking and setbacks. This site is located in the County adjoining Wichita's municipal boundaries and annexation is required.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that water is available, but sewer (main and lateral) needs to be extended to serve the lot being platted.
- 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. The plat proposes two openings along West Street and two openings along 47th Street South. The openings closest to the intersection are limited to rights-in/out movements. Complete access control is denoted for the west 75 feet along 48th Street South. County Public Works/Traffic Engineering has approved the access controls.
- F. County Public Works requests the City of Wichita annex 47th Street South.
- G. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- H. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- I. 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.)
- J. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- K. 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.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- M. 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.
- N. Perimeter closure computations shall be submitted with the final plat tracing.

- O. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- P. 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.

KLAUSMEYER moved, **MCKAY** seconded the motion, and it carried (10-0-1). **B. JOHNSON** – Abstained.

2-2. **SUB2012-00042: Final Plat – PRESBYTERIAN MANOR ADDITION.**

NOTE: This is a replat of the Synod Addition in addition to unplatted property. The site has been approved for a zone change (ZON2012-00027) from SF-5 Single-family Residential to B Multi-family Residential.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the relocation of the water and sewer lines will require a guarantee.
- 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. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes three openings along 13th Street North as denoted on the site plan.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. The standard language regarding vacation statutes need to reference "K.S.A. 12-512b, as amended."
- G. The Subdivision Regulations discourage the inclusion of pipeline easements within the perimeter of residential lots. It is recommended that the pipeline easement adjacent to Zoo Boulevard be included within a Reserve, or in the alternative a restrictive covenant provided identifying the pipeline easement.
- H. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

- I. The spelling of “benchmark” needs to be corrected.
- J. The spelling of “agreement” needs to be corrected.
- K. 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.
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. The platting 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.
- N. 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.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. 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.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- R. 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.
- S. Perimeter closure computations shall be submitted with the final plat tracing.

T. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

U. 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.

B. JOHNSON moved, **G. SHERMAN** seconded the motion, and it carried (11-0).

2-3. **SUB2013-00013: One-Step Final Plat – TURNPIKE INDUSTRIAL 4TH ADDITION.**

NOTE: A portion of this site is located in the County adjoining Wichita's municipal boundaries. Due to a 2008 Agreement between the City and County, the property will not be annexed. This is a replat of the Turnpike Industrial 3rd Addition in addition to unplatted property.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve the site.
- 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. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering/County Public Works has approved the access controls. The plat proposes one opening along Oliver.
- E. County Surveying requests the plat show platted versus measured dimensions.
- F. County Surveying needs clarification regarding the survey datum was used as BM# 115 with elevation 1358.78 falls between contours 1359 and 1360.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance responsibilities.
- H. 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.

- I. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. The spelling of “storm sewer” needs to be corrected.
- K. The MAPC signature block needs to reference “John L. Schlegel, Secretary.”
- L. 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.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. 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.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- P. 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.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Any removal or relocation of existing equipment of utility companies will be at the applicant’s expense.
- S. 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.

KLAUSMEYER moved, **MCKAY** seconded the motion, and it carried (10-0-1).

B. JOHNSON – Abstained

2-4. **SUB2013-00014: One-Step Final Plat – JUBILEE PRESBYTERIAN CHURCH ADDITION.**

NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. A Conditional Use (CON2013-00004) for a Church has been requested.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District No. 2. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection.
- 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. County Public Works has approved the drainage plan for quantity. The applicant needs a Notice of Intent and a Stormwater Permit Application before construction begins. Water quality calculations are requested.
- E. The plat proposes one access opening along Oliver for Lot 1 and a joint access between Lots 1 and 4. County Public Works has approved the access controls.
- F. A covenant shall be submitted regarding the reserve platted for private drive purposes, which sets forth ownership and maintenance responsibilities of the private drive. As requested by County Public Works, the applicant will be extending Reserve A to the east across the drainage reserve.
- G. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- H. The plat'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.

- I. 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.)
- J. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- K. 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.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- M. 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.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Westar Energy has requested additional utility easements to be platted on this property. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- P. 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).

CHRIS ROSE, BAUGHMAN COMPANY, P.A., AGENT FOR THE APPLICANT said they were in agreement with staff comments and that he would stand for any questions.

FOSTER asked what was the benefit of approving this plat relative to the Conditional Use request.

MILLER said currently the property is unplatted. He said if the Conditional Use is approved this will allow the applicant to move ahead and obtain a building permit in the future.

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

MCKAY moved, G. SHERMAN seconded the motion, and it carried (11-0).

3. PUBLIC HEARING – VACATION ITEMS

There were no Vacation Items.

PUBLIC HEARINGS

4. **Case No.: ZON2013-03** - the City of Wichita, c/o John Philbrick (applicant) requests a City zone change request from LC Limited Commercial to CG General Commercial to allow additional uses on property described as:

The West 165 feet, more or less, of Reserve A except the Northwest 10 feet for alley, West Wichita Addition to Wichita, Sedgwick County, Kansas.

AND

Lots 1 to 8 inclusive and the West 15 feet of Lot 9 and the vacated street adjacent on the South except the Northwest 10 feet taken for alley, Block 1, Payne’s Park Addition to Wichita, Sedgwick County, Kansas.

AND

All of Block 2 and vacated street adjacent on the East and South, Payne’s Park Addition and Lots 1 to 32 inclusive and vacated street on East, Block 4, Payne’s Park Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant requests GC General Commercial (“GC”) zoning on the LC Limited Commercial (“LC”) zoned subject site, located north of Maple Street and on the east side of Sycamore Street. The multiple lot site is the parking lot for the abutting LC zoned Lawrence Dumont baseball stadium. The applicant is requesting the GC zoning to allow additional uses, such as the past carnivals that have been a participant in the annual River Festival; Unified Zoning Code (UZC) Sec.II-B.11.b, Outdoor Recreation and Entertainment. Outdoor Recreation and Entertainment (including a carnival) is first permitted by right in the GC zoning district; UZC Sec.III-B.16.b.(3). The site is also located within the D-O Delano Neighborhood Overlay District (“D-O”).

As stated, the subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. Lawrence Dumont is, and has been, the home of different minor league professional baseball teams and, since 1935, the home of the National Baseball Congress World Series. Lawrence Dumont has been and is the dominant development in this neighborhood. Further east, beyond the ballpark and across Meridian Avenue, is the Arkansas River and the CBD zoned core downtown area. South of the subject site, across Maple Street is the approved for GC zoning Wichita Ice Center; ZON2012-00018, subject to platting. The Ice Center and Lawrence Dumont provide a unique concentration of civic recreational sports facilities in Wichita. LC and B Multi-Family Residential (“B”) zoned vacant land, GC zoned office–warehouse, office and a

vacant LI Limited Industrial (“LI”) zoned building are also located south of the site, across Maple. West of the site, across Sycamore Street, there is a mix of GC zoned older (1900-1925) single-family residences and small multi-family residences, office-warehouse, partially occupied retail or office, a large vacant lot and at least one vacant residence. North of the site are LC zoned downtown row commercial buildings located along the south side of Douglas Avenue. This row of LC zoned buildings contains a bar, car rental, a hat shop and other retail businesses. The LC and GC zoned Metropolitan Baptist Church and its parking is also located north of the subject site.

CASE HISTORY: Most of the multiple lot subject site was platted in the Payne’s Park Addition, recorded March 15, 1921. A small portion of the subject site was platted in the West Wichita Addition, recorded August 5, 1872. The site is located within the Delano Neighborhood Overlay District, which was approved by the City Council March, 2001 (Ord. #44-896) and the County Commission March 7, 2001 (Res. #35-01).

ADJACENT ZONING AND LAND USE:

NORTH: LC, GC	Parking lot, church, bar, car rental, hat shop, retail
SOUTH: GC, LC, LI, B	Indoor ice rink, vacant land, office-warehouse, vacant building
EAST: LC, GC	Church, parking, baseball stadium
WEST: GC	Single-family residences, multi-family residential, office- warehouse, strip retail, vacant buildings, vacant land

PUBLIC SERVICES: At this location Maple Street has 40 feet of half-street right-of-way, while South Sycamore Street has 60 feet of full right-of-way. At the intersection of Maple and Sycamore, Maple has been improved to a four through-lanes with an additional left turn lane. Sycamore has two through-lanes and a left turn lane. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as “Major Institutional.” The Major Institutional category includes institutional facilities of significant size and scale of operation and could include a range of such government facilities, military bases, libraries, school, cemeteries, churches, hospital and medical treatment facilities. The subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. The Delano Plan Neighborhood Plan shows the site and Lawrence Dumont as “Recreational Sports Facilities.” The Delano Neighborhood Overlay District also provides a list of prohibited uses and those that can be considered by a Conditional Use, as well review procedures to ensure the property will conform to the neighborhood. The requested zoning is not out of compliance with the 2030 Land Use Guide, nor is contrary to existing zoning patterns along this portion of Sycamore Street, or with the Delano Plan.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for GC zoning be APPROVED.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. Lawrence Dumont is, and has

been, the home of different minor league professional baseball teams and, since 1935, the home of the National Baseball Congress World Series. Lawrence Dumont has been, and is, the dominant development in this neighborhood. The approved for GC zoning Ice Center (located south of Lawrence Dumont, across Maple Street) and Lawrence Dumont provide a unique concentration of civic recreational sports facilities in Wichita. Other zoning and development in the immediate area include B, LC, GC, LI zoned: older single-family residences and multi-family residences; parking lots; a church; bars; car rental; downtown row retail; strip retail; office-warehouse; both commercial and residential vacant buildings and; vacant land.

2. The suitability of the subject property for the uses to which it has been restricted: The GC zoning is more appropriate for whole Lawrence Dumont baseball stadium complex. It will also allow the carnivals that have been a participant in the annual River Festival; Unified Zoning Code (UZC) Sec.II-B.11.b, Outdoor Recreation and Entertainment. Outdoor Recreation and Entertainment is first permitted by right in the GC zoning district; UZC Sec.III-B.16.b.(3).
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The Delano Neighborhood Overlay District provides a list of prohibited uses and those that can be considered by a Conditional Use, and a review process to ensure the site remains the primary parking for the Lawrence Dumont baseball stadium.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Allowing the GC zoning will allow this site to conform to the UZC for past and future uses that support downtown and the Delano neighborhood.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as “Major Institutional.” The Major Institutional category includes institutional facilities of significant size and scale of operation and could include a range of such government facilities, military bases, libraries, school, cemeteries, churches, hospital and medical treatment facilities. The subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. The Delano Neighborhood Plan Map shows the site and Lawrence Dumont as “Recreational Sports Facilities.” The Delano Neighborhood Overlay District also provides a list of prohibited uses and those that can be considered by a Conditional Use, as well as review procedures to ensure the property will conform to the neighborhood. The requested zoning is not out of compliance with the 2030 Land Use Guide, nor is contrary to existing zoning patterns along this portion of Sycamore, or with the Delano Plan.
6. Impact of the proposed development on community facilities: Impact on community facilities will be minimal.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **MCKAY** seconded the motion, and it carried (11-0).

5. **Case No.: CON2013-04** - Jubilee Presbyterian Church (Philip D. Elder) (applicant) / Baughman Company, P.A. (Russ Ewy) (agent) request a County Conditional Use to permit a church and cemetery in RR Rural Residential zoning on property described as:

Part of the Southwest Quarter of Section 24, Township 25, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning at the Northwest corner of said Southwest Quarter; thence South 0°00'West on an assumed bearing along the West line of said Southwest Quarter 993.30 feet to the North line of the South half of the South half of the North half of the West half of said Southwest Quarter; thence North 89°06'50"East along the North line of said South half of the South half of the North half of the West half of said Southwest Quarter 1315.50 feet to the East line of the West half of said Southwest Quarter; thence North 0°17'23"West along the East line of said West half of said Southwest Quarter 993.62 feet to the North line of said Southwest Quarter; thence South 89°05'50"West along the North line of said Southwest Quarter, 1310.48 feet to the point of beginning, subject to road right of way of record.

AND

The South Half of the South Half of the North Half of the West Half of the Southwest Quarter of Section 24, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

BACKGROUND: The application area is located 2,100 feet north of East 93rd Street North, on the east side of North 47th Street East (Oliver), and contains 39.4 unplatted RR Rural Residential ('RR') zoned acres. The property has approximately 1,330 feet of frontage along North 47th Street East. Currently, the application area does not have frontage on any other roads except North 47th Street East. The application area is to be divided into four nearly equal tracts (nine plus acres in size). See the attached site plan for the proposed layout and development of the property. The northwestern tract has an existing structure located in the northwest corner of the tract that is planned to be used as a temporary church. A parking lot (with 30 spaces shown) is proposed to be located just south of the temporary church building. South of the parking lot a second structure (approximately 7,200 square feet shown) is proposed to be built that is to become the permanent church. A cemetery (approximately 45,000 square feet shown) is proposed to be located east and southeast of the existing and proposed structures. The other three remaining tracts, located to the east, southeast and south of the tract with the proposed church and cemetery are proposed to be future residential sites. Three access points to North 47th Street East are shown on the site plan: one at the southern end of the site; one in the approximate middle of the site and one to the existing building located on the northern end of the site. At the location of the middle access point, a thirty-foot wide access easement is depicted on the site plan. The access easement will provide access to the two proposed tracts located in the eastern-half of the subject property.

In the RR zoning district the minimum building setbacks are as follows: front 30 feet; interior side 20 feet and rear 25 feet. With respect to the front building setback, the applicant is advised that Unified Zoning Code Section III-E.1(3), titled as "Setbacks from major roadways," requires structures to be located 85 feet from the centerline of a "section line road." A plat of the property, noted below in the case history section, has already been submitted and follows the tracts show in the site plan. The plat divides the property into four lots of nearly equal size with a 100-foot wide drainage reserve running from north to south in the easternmost two lots.

All property surrounding the application area is zoned RR. All of the surrounding properties are used for large lot residential or agricultural purposes. The overall character of the area surrounding the application area is overwhelmingly rural. The City of Kechi city limits are currently located one mile west of the application area.

Among the concerns created by a request for a Conditional Use to permit a church and/or a cemetery in a rural area is the long-term viability of the church and the church's ability to provide for the long term maintenance of a cemetery. Financing by traditional lending institutions can sometimes be problematic for small congregations. If the church fails, the long-term maintenance responsibility of a cemetery can potentially then fall upon a governmental entity if no other private entity can be found to accept management and maintenance responsibilities. Other potential issues that have to be accounted for are building and fire code requirements for buildings used for public assembly, such as if the building will need to be sprinkled, and if so, can the rural water district provide the necessary volume of water at the needed pressure to operate the fire suppression system, or if an on-site pressurized water storage system will be required. On-site sanitary sewer disposal requirements for public assembly will also need to be addressed. Zoning, sanitation and building code requirements will be addressed either at the time of Conditional Use consideration, and if approved, at the time of platting or building permit review.

CASE HISTORY: The site's current RR zoning was probably applied in 1985 when County-wide zoning was adopted. The Jubilee Presbyterian Church Addition, SUB2013-00014, has been filed and is scheduled to be heard by the Subdivision Committee on March 28, 2013, and the Metropolitan Area Planning Commission on April 4, 2013.

ADJACENT ZONING AND LAND USE:

NORTH: RR; large-lot residential, agriculture
SOUTH: RR; large-lot residential
EAST: RR; agriculture
WEST: RR; large-lot residential

PUBLIC SERVICES: The segment of North 47th Street East fronting the application area has 30 feet of half-street right-of-way. An additional 30 feet of right-of-way may be requested at the time of platting to comply with adopted right-of-way widths. The property is located in the service area of Sedgwick County Rural Water District No. 2. The plat indicates a two-inch water line is located on the east side of Oliver, and also indicates the existing building on the property is served by the rural water district. The site does not appear to have access to public sanitary sewer service; therefore, an on-site system, reviewed by the Metropolitan Area Building and Construction Department, will be needed to provide wastewater treatment. Sedgwick County Fire Station 32, located near the southeast corner of I-135 and East 77th Street North, is the closest County fire station to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita and Small Cities 2030 Urban Growth Areas map depicts this site as a “rural” area, and is located outside of any designated urban growth area or zoning area of influence territory. The “rural” category encompasses land located outside of the 2030 urban growth areas for Wichita and the small cities. This land use category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately larger lot residential exurban subdivisions with provisions for individual, or community water and sewer services.

RECOMMENDATION: Based upon information available at the time the staff report was prepared, staff recommends the request be approved subject to the following conditions:

- A. In addition to the uses permitted by right with the property’s base zoning, a “church or place of worship,” a “cemetery” and accessory uses commonly associated with such uses, such as parking or sheds for mowing equipment or church vehicles, are permitted by the Conditional Use. The site shall be developed, maintained and operated in substantial compliance with the approved site plan, and in compliance with all other applicable local, state and federal codes, regulations or permitting requirements.
- B. All burial plots shall be located outside of building setbacks, easements or rights-of-way.
- C. The property shall be platted within one year of final approval.
- D. Signage shall be per the County Sign Code.
- E. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, declare the Conditional Use null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: All property surrounding the application area is zoned RR. All of the surrounding properties are used for large lot residential or agricultural purposes. The character of the area is rural with the feeling that one is in the “country.”
- 2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR which primarily restricts the use of the property to agriculture, large-lot single-family residential uses and a few other civic uses customarily found in residential areas such as parks or golf courses. There are numerous other large lot tracts in the immediate area and the property could most likely attract interest for uses allowed by the site’s current zoning.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: A church will typically generate more traffic than a single-family residence on the days when services or events are held at the church. However, traffic impacts should be not be any greater at this location than at other church site located throughout any other residential areas within Sedgwick County or the County’s cities. Anticipated impacts are, or can be, addressed with the recommended conditions of approval, during platting or with existing fire, sanitation, building or zoning codes.

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 will provide an additional place of worship to this area of the County. Denial presumably would be an economic hardship on the seller or new owner/applicant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita and Small Cities 2030 Urban Growth Areas map depicts this site as a “rural” area, and is located outside of any designated urban growth area or zoning area of influence territory. The “rural” category encompasses land located outside of the 2030 urban growth areas for Wichita and the small cities. This land use category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately larger lot residential exurban subdivisions with provisions for individual, or community water and sewer services.
6. Impact of the proposed development on community facilities: Anticipated impacts are accounted for by existing community facilities or by improvements that will be required at the time of platting or obtaining a building permit.

DALE MILLER, Planning Staff presented the Staff Report.

FOSTER referenced two letters from neighbors and asked where the residences were located on the aerial.

MILLER said he could pull up the aerial map but suggested asking the applicant where the residences were located.

G. SHERMAN asked if the application was approved and in the future the applicant wants to expand the cemetery onto another parcel, what would they have to do.

MILLER indicated they would have to submit an adjustment or an amendment to revise the site plan.

G. SHERMAN referenced staff’s concerns expressed in the Staff Report regarding zoning, sanitation and building code requirements and that they would be addressed at the time of platting. He said since the Planning Commission just approved the plat; he asked if those items would be covered when the applicant applies for a building permit.

MILLER mentioned that the applicant would need to go through the County Metropolitan Area Building and Construction Department (MABCD) if they are asking for onsite sanitary sewer.

J. JOHNSON asked what were the requirements for access to the cemetery.

MILLER asked did he mean UZC requirements or what the applicant is proposing. He suggested that the agent address the issue.

J. JOHNSON asked if the cemetery could be used before the church is built.

MILLER said the way the Staff Report is written nothing prevents development of the cemetery prior to when the church is built.

RUSS EWY, BAUGHMAN COMPANY, P.A., AGENT FOR THE APPLICANT said they are in agreement with the staff comments and conditions listed in the Staff Report. He said this is a private cemetery for the benefit of members of the Jubilee Presbyterian Church. He said access to the cemetery would not be from Oliver Street but through the church development itself. He mentioned the access easement to the back two east lots. He said the applicant would not ask for additional access to the cemetery, which is the one acre in the middle of 40 acres. He said there is an existing curb cut to the building and they will link that up and share that access to the cemetery. He said they are willing to work with staff to develop conditions relating to access to the cemetery itself. He said to address staff concerns regarding long-term maintenance of the cemetery itself, they suggest that it be treated no different than similar developments. He said they would be willing to offer the County a restrictive covenant that ties maintenance responsibilities of the cemetery to the owner of lot 1. He said there were concerns about what would happen if the church falls under financial hardship. He said the covenant will transfer maintenance responsibility to whoever owns lot 1. He said the covenant would let the County take over responsibility for drainage ponds and maintenance and assess those costs back to the property owner. He said he would stand for questions.

MCKAY asked about the easement that stopped in the middle of the floodway/ drainage easement.

CHRIS ROSE, BAUGHMAN COMPANY said the reserve was extended past the floodway during the platting process. He said although it is reflected on the site plan as an access easement, it has been turned into a reserve accessible only from lots 2, 3 and 4.

TROY WEISSBECK, 9745 NORTH OLIVER said he lives in the two-story red, brick home directly across from the proposed church and cemetery. He said the surrounding area is all rural and he understands from the Staff Report that rural areas are the most restrictive. He referenced the Staff Report recommendation based on the “findings” listed as items 1-6 which he believed were more against the application than for it. He said it is difficult as a neighbor to be up at the podium; that he knew the church Pastor who lives right behind him and he thinks is a fantastic guy. He said he likes to be neighborly. He commented that the people who owned the parcel previously built the building and were going to build a house, but never did. He said he believes they ran a business out of the building. He said he does not have so much trouble with the church because he believes they hold services now at the building and as long as it looks nice and is kept nice, he is fine with that. He said he does not like the cemetery because it is a long-term deal. He referenced the comment that only people who go to church will be buried there, but he said anyone can be buried anywhere. He asked how is that regulated. He said to his liking, the cemetery would be behind everything, further to the east. He said he doesn't want his home to view the cemetery. He said he thinks the Commissioners can understand that and wouldn't want that view either. He concluded by saying that he lives right next door and is directly affected by this application. He said he built his home at this location because he grew up in Collier, Kansas, and he likes the county.

FOSTER said since the use abuts residential, it is usually appropriate to ask for landscape screening. He asked if that would help remediate the situation for Mr. Weissbeck.

WEISSBECK replied yes and added that if the cemetery was moved where he wouldn't have to notice it that would be great. He said if the cemetery was screened and back behind the building that would be a step in the right direction.

PHILLIP ELDER, 3501 EAST 101ST STREET, NORTH said he was the Treasurer of the church and knows Mr. Weissbeck. He said they want to be good neighbors and will do what they can to insure that they are good neighbors. He mentioned landscape screening along Oliver Street to insure that the cemetery is pretty much hidden from the road. He invited Mr. Weissbeck to come over and participate in selecting the trees for landscaping.

JEFF HUDSON, 9949 NORTH OLIVER said he lives just north of Mr. Weissbeck next to the open field. He said his house was on the west side of the road. He said he has lived there 20 years and wasn't too concerned about the church but did have some concern about the cemetery and how it might affect property taxes and homes values in the area. He said he wouldn't like to see the graveyard from the road. He said the neighbors were totally against it and they understood it was hard to get rural residential zoning changed. He said he wanted to come to the meeting and see how it works. He repeated that he has nothing against having a church in the area, but he is concerned about grave sites and a parking lot and what that will do to home values.

FOSTER asked Mr. Hudson if he knew the neighbor at 5519 East 93rd Street, Sue Stevens.

HUDSON replied that was his mother in law's place and that he had been married to her daughter. He said the family has lived in the area for over 100 years. He said she is concerned about this request and is worried about a graveyard being an eyesore. He said since he is a Christian man, it might be the Lord wants a church there.

RUSS EWY, BAUGHMAN COMPANY, P.A., AGENT FOR THE APPLICANT referenced the rural character of the area and mentioned that he grew up in Halstead, Kansas, which is out in the country. He said there were two rural churches in that area similar to the proposal that had little impact on the surrounding property owners. He said he feels it is the same in this case, especially because of the acreage around the location and the location of the cemetery within that acreage. He mentioned that one of the letters (from someone living to the north of the property) talked about not wanting the cemetery next to them. He said they believe they have located the cemetery in the safest area possible, and not directly along Oliver Street or near someone's home site. He said as far as site design, they talked about landscaping, including using the existing hedge row on the east side of Oliver Street. He said in lieu of landscaping there is a 300-400 hundred foot setback on the cemetery. He said as far as the site plan, he believes they did a pretty respectable job to try to locate the cemetery to avert impacting existing surrounding residential land uses. He said the site plan will match the final plat, and may have some slight modifications depending on what happens with the plat. He said Mr. Elder was also present so if the Commission has specifics on what they would like to see as far as landscaping and other site design issues, they may ask him what the church is willing to do.

G. SHERMAN mentioned that there were no dimensions on the site plan drawing.

EWY said the lots are 630 feet. He said they can tie down a dimension for the one- acre cemetery plot and add to the revised site plan.

DENNIS clarified that the covenant dealing with future maintenance of the cemetery would be added as a condition at today's meeting.

EWY said they would be willing to entertain that idea with staff. He said they had previously talked about adding the cemetery as a reserve but in lieu of that option, they would rather do a covenant that ties maintenance responsibility for the cemetery to the owner of lot 1.

DENNIS asked for clarification on the landscape screening.

EWY said the applicant would be willing to put together a landscape plan; however, he did not know exactly what that would entail.

DENNIS asked about specific designated setbacks for the west and north sides of the cemetery.

EWY said they will affix dimensions to the location of the cemetery on the site plan. He said the cemetery will be 50 feet from the east property line and the reserve; however, he can't tell exactly how many hundred feet it will be from Oliver Street or the north property line but they will respect discussion at this Commission meeting and tie that down specifically for staff.

MOTION: To approve subject to staff recommendation and addition of the covenant on future maintenance, additional landscape screening and revised site plan that matched the plat with designated setbacks around the cemetery.

J. JOHNSON moved, **WARREN** seconded the motion, and it carried (11-0).

DENNIS asked can't staff pin down the setbacks in more detail.

MILLER said staff will take the direction of the Commission. In addition, he asked what the Commission was looking for as far as landscaping -- a tree every 30 or 50 feet.

DENNIS clarified that a landscape plan will be submitted to Planning Staff for approval.

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6. **Case No.: CUP2013-06** – Medical Practice Association Properties, LLC (owner), MKEC Engineering Consultants Inc. c/o Greg Allison (agent) request a City Community Unit Plan creation of the K-96 and Greenwich North CUP in LI Limited Industrial zoning on property described as:

Parcel 1:

The South Half of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the following tracts:

Tract 1:

A tract in the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence East 223 feet; thence North 150 feet; thence West 223 feet; thence South 150 feet to the point of beginning

Tract 2:

That part of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning 150 feet North of the Southwest corner thereof; thence North along the West line of said Northwest Quarter, 7.0 feet; thence East parallel with the South line of said Northwest Quarter, 223.0 feet; thence South parallel with the West line of said Northwest Quarter, 7.0 feet; thence West parallel with the South line of said Northwest Quarter, 223.0 feet to the point of beginning.

Tract 3:

The west 60 feet of the South Half of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, as dedicated in DOC.#/FLM-PG: 28739057.

Parcel 2:

A tract in the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence East 223 feet; thence North 150 feet; thence West 223 feet; thence South 150 feet to the point of beginning, EXCEPT the west 60 feet thereof as dedicated in DOC.#/FLM-PG: 28739057.

Parcel 3:

That part of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning 150 feet North of the Southwest corner thereof; thence North along the West line of said Northwest Quarter, 7.0 feet; thence East parallel with the South line of said Northwest Quarter, 223.0 feet; thence South parallel with the West line of said Northwest Quarter, 7.0 feet; thence West parallel with the South line of said Northwest Quarter, 223.0 feet to the point of beginning, EXCEPT the West 60 feet thereof as dedicated in DOC.#/FLM-PG: 28739057.

Parcel 4:

A tract of land in the Southwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas more particularly described as follows: Commencing at the Northwest corner of the Southwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, thence N 89°07.30. E along the North line of said Southwest Quarter, a distance of 50.00 feet to the point of beginning; thence bearing N 89°07.30. E along the North line of said Southwest Quarter, a distance of 2,597.70 feet to the Northeast corner of said Southwest Quarter; thence bearing S 0°35.35. E along the East line of said Southwest Quarter, a distance of 1,815.28 feet to the intersection of the North right-of-way of K-96 Highway; thence along the North right-of-way of the K-96 Highway the following courses and distances: N 24°08.08. W, a distance of 532.89 feet to the point of curvature of a curve to the left with a radius of 2,039.86 feet and a chord distance of 1,696.46 feet, bearing N 48°12.42. W; thence along said curve to the left through a central angle of 49°08.34., an arc distance of 1,749.60 feet; thence bearing N 73°44.11. W, a distance of 322.28 feet; thence bearing N 85°58.54. W, a distance of 301.62 feet; thence bearing S 89°49.11. W, a distance of 522.46 feet; thence bearing N 0°43.07. W, parallel with the West line of said Southwest Quarter, a distance of 49.03 feet to the point of beginning.

BACKGROUND: The applicant requests approval of the K-96 and Greenwich North Commercial Community Unit Plan (“CUP”), DP-333. The 98-acre site is zoned SF-5 Single-family Residential (“SF-5”) but was approved

for LI Limited Industrial (“LI”) zoning in 2000 and 2004, subject to platting within one year. The applicant was approved for several platting time extensions through April 2014. The applicant is currently in the platting process and intends to maintain the LI zoning previously approved. The Wichita-Sedgwick County Unified Zoning Code (“UZC”) does not require a CUP for LI zoned sites. However, the applicant requests this CUP in order to provide a unified and well planned commercial development.

The site is located at the northeast corner of K-96 and North Greenwich. Property north of the site, across 27th Street North, is zoned LI, LC Limited Commercial (“LC”) and MF-18 Multi-family Residential (“MF-18”) and is undeveloped. Property south of the site, across K-96, is approved for LC zoning and a CUP, and is undeveloped. Property east of the site includes undeveloped LI zoned land to the north, an SF-5 Single-family Residential (“SF-5”) zoned subdivision, and an SF-5 zoned church to the south. West of the site, across Greenwich, includes an LI zoned commercial development and an outdoor sports facility. Southwest of the site, at the southwest corner of K-96 and Greenwich, is an LI and LC zoned commercial CUP.

The CUP is broken into 15 Parcels and reserves. Reserves will serve as buffers from residential zoning, landscaped areas, stormwater water detention and sign placement. The applicant proposes all permitted uses in the LI zoning district except for: Correctional Facility, Correctional Placement Residences (General and Limited), Pawn Shops and Sexually Oriented Business in the City. The applicant proposes dedicated streets within the CUP and access control to Greenwich per City guidelines. The CUP shows one dedicated street intersection at Greenwich and one additional full movement opening to Greenwich. Access control to 27th Street North is not specified. All large parcels (larger than 2 acres) have a maximum building coverage of 30%, smaller ones have a maximum building coverage of 40%. Building heights are limited to 80 feet (consistent with LI zoning limitations) on most parcels except that Parcel 2 (at the northwest corner) is permitted 100 feet, and Parcels 10 and 15 (closest to residential zoning) are limited to 50 feet.

Screening is proposed on the south side of 27th Street North adjacent to the rear of the building proposed for Parcel 3. Screening from the Fairmont Residential Addition (to the east) is proposed as a masonry wall or two offset rows of 8-foot tall evergreens spaced 20-foot on center. All screening otherwise is required to meet UZC requirements; the applicant proposes preserving the existing hedgerow along the east property line.

Signage restrictions prohibit flashing, moving, portable, balloon and roof signs. Pole and monument signs are proposed to not exceed the Sign Code limitation of .8 square feet of sign area per linear foot of arterial street frontage, and .5 square feet of area per linear foot of local street frontage. The CUP proposes exceeding the Sign Code 25-foot height limitation with four 60-foot signs along K-96 and three 30-foot signs along Greenwich. The CUP allows off-site advertising for facilities located within the Star Bond District at K-96 and Greenwich. The remainder of the CUP is consistent with most City CUPs and the UZC requirements regarding signage, landscaping, screening, cross-lot circulation, pedestrian circulation, architectural consistency, parking and lighting.

CASE HISTORY: The site was approved for LI zoning in 2000 and 2004 subject to platting; the site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	LI, LC, MF-18	Vacant
SOUTH:	SF-5, LC	K-96, vacant, commercial development
EAST:	LI, SF-5	Vacant, residential subdivision, church
WEST:	LI	Retail, office, outdoor recreation facility

PUBLIC SERVICES: Greenwich is a section line arterial street at this location with a 60 foot half-width right-of-way, four travel lanes and a central turn lane at intersections. The latest traffic counts available for this portion of Greenwich indicate 5,309 vehicles per day. The 2035 Transportation Plan indicates that Greenwich will remain a five-lane arterial at this location. 27th Street North is a dedicated but unimproved local street at this

location. The proposed CUP could have a total of 1.28 million commercial square feet. With the ITE Manual estimate of 42 cars per day trip generation per 1000 square feet of shopping center space, this CUP could generate an additional 50,000 vehicles per day to this location. If the project is developed as planned, traffic will surge at this location during major sports tournament events. Direct access to K-96 makes this a good location for the proposed uses. Additional traffic improvements, such as turn lanes and signalization, will be considered at the time of platting. All utilities are available to the site; the CUP indicates that all new utilities will be placed underground.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide Map depicts the subject site as an “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 meets the Commercial Locational Guidelines of the Comprehensive Plan in that it is at an arterial street intersection along with other commercial uses, it does not feed commercially generated traffic onto residential streets and it has site design features to mitigate impact on surrounding uses.

RECOMMENDATION: This site was previously approved for LI zoning, the proposed CUP puts design features and controls in place to make the development more compatible with surrounding land uses. This development could generate significant traffic; the applicant is working with KDOT and the City Traffic Engineer to ensure improvements will accommodate that traffic. Traffic improvements will be determined at platting. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP be **APPROVED**, subject to platting within one-year and the following conditions:

- A. General Provision 10.k. shall be added to include: No building signs shall face residential zoning. Monument, pole or pylon signs shall not be within 300 feet of residential zoning.
- B. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, 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:** Property north of the site, across 27th Street North, is zoned LI, LC and MF-18 and is undeveloped. Property south of the site, across K-96, is approved for LC zoning and a CUP, and is undeveloped. Property east of the site includes undeveloped LI zoned land to the north, an SF-5 zoned subdivision, and an SF-5 zoned church to the south. West of the site, across Greenwich, includes an LI zoned commercial development and an outdoor sports facility. Southwest of the site, at the southwest corner of K-96 and Greenwich, is an LI and LC zoned commercial CUP.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently approved for LI zoning (subject to platting) and could be developed with all uses permitted in the LI district. The proposed CUP is more restrictive than LI zoning and includes features to ensure compatibility with surrounding properties.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed CUP does not remove restrictions, but rather places more restrictions on the approved LI zoning for this site. Nearby property could be most affected by increased traffic to this site, and will be affected by increased light, noise, trash and other impacts of commercial development. The proposed CUP mitigates those impacts with buffer spaces, screening, and other limitations.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:**

The 2030 Wichita Functional Land Use Guide Map depicts the subject site as an "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 meets the Commercial Locational Guidelines of the Comprehensive Plan in that it is at an arterial street intersection along with other commercial uses, it does not feed commercially generated traffic onto residential streets and it has site design features to mitigate impact on surrounding uses.

- 5. Impact of the proposed development on community facilities: The project will generate increased traffic and demand for City services at this site. However, the Comprehensive Plan anticipates commercial development to occur at arterial and highway intersections such as this location.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **MCKAY** seconded the motion, and it carried (11-0).

DENNIS mentioned that the Commission will have to hold a formal election for a new BZA Chairman as soon as possible, since Chairman Farney has resigned from the Planning Commission.

The Metropolitan Area Planning Commission adjourned at 1:13 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 _____, 2013.

(SEAL)

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission