

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

August 22, 2013

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 22, 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; Joe Johnson; Don Klausmeyer; John W. McKay Jr.; Debra Miller Stevens and Chuck Warren (In @ 1:43 p.m.). Steve Anthimides; Bill Johnson; M.S. Mitchell; Carol Neugent and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney and Maryann Crockett, Recording Secretary.

1. No Minutes to approve.

2-1. SUB2013-00025: Revision to Final Plat – N & S HILLS ADDITION.

NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available 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 and water wells. A memorandum shall be obtained specifying approval.
- 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. County Public Works has approved the drainage plan. The applicant will be including a 30-foot drainage easement along the north property line.
- D. The plat denotes “access control except one opening” along 391st Street West. County Public Works has approved the access controls.
- E. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- F. 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.
- G. 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.)

- H. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- I. 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.
- J. 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.
- K. 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.
- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- N. 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.

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

2-2. SUB2013-00031: One-Step Final Plat – CLAARS FIRST ADDITION.

NOTE: This site is located in the County in an area designated as "rural" by the Wichita-Sedgwick County Comprehensive Plan.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available 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 and water wells. A memorandum shall be obtained specifying approval.

- 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. County Public Works has approved the applicant's drainage plan subject to revisions. A minimum pad and benchmark is needed due to high groundwater elevations in the area. If more than one acre is disturbed, a stormwater permit application is needed and a Notice of Intent from the state.
- D. The plat denotes one opening along 103rd Street South. County Public Works has required 220 feet of complete access control from the west property line.
- E. County Surveying advises that the dimensions of 455.00 feet are to the section line. The dimensions on the east and west lot lines need corrected to 398.00 feet.
- F. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- G. The land surveyor shall file a reference report for each section corner per K.S.A. 58-2011.
- H. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- I. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineer (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- J. 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.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. 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.

- M. 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.
- N. 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.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- Q. 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.

MCKAY moved, J. JOHNSON seconded the motion, and it carried (8-0).

2-3. SUB2013-00033: One-Step Final Plat – PASSIVHAUS ADDITION.

NOTE: This is an unplatted site located within the City of Wichita.

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 has approved complete access control along Main, north of the joint access opening.

- E. The platlor'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.
- F. 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.
- G. The joint access opening with the property to the south shall be established by separate instrument.
- H. 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.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. 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.
- K. 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.
- L. 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.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- O. 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.

MCKAY moved, J. JOHNSON seconded the motion, and it carried (8-0).

PUBLIC HEARING – VACATION ITEMS

3-1. VAC2013-00026: City request to vacate an easement dedicated by separate instrument, generally located east of the Little Arkansas River, north of 21st Street North on the southeast side of Somerset Avenue and 21st Street North.

OWNER/AGENT: Netcorp LLC, c/o Ryan Nett (owner) / Ruggles & Bohm, c/o Will Clevenger

LEGAL DESCRIPTION: Generally described as vacating the 16-foot wide sewer easement dedicated by separate instrument (Misc. Bk. 355, Page 193) along the west side of Lot 20, Guthries Subdivision, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of Somerset Avenue, on the south side of 23rd Street North (WCC VI)

REASON FOR REQUEST: Easement not needed

CURRENT ZONING: The site and abutting and adjacent southern properties are zoned TF-3 Two-Family Residential (TF-3). Abutting and adjacent western and northern properties are zoned Single-Family Residential (SF-5).

The applicant proposes to vacate the described 16-foot wide sewer easement dedicated by separate instrument; Misc. Bk. 355, Page 193. A recent residential lot split, LS2013-00008, of the subject property, Lot 20, Guthries Subdivision, required dedication of a sewer easement (DOC#/FLM-PG: 29382412), as the subject easement was not discovered during the entail title search on the property for the lot split. The vacation request is cleaning up this oversight. A sewer line is located within both the old easement and the new one; the sewer line is covered. The Guthries Subdivision Addition was recorded with the Register of Deeds June 24, 1886. LS2013-00008 was recorded with the Register of Deeds May 29, 2013,

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/Storm Water, 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 sewer 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 August 1, 2013, 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 sewer easement dedicated by separate instrument and that 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 Planning Staff with a legal description of the vacated sewer easement dedicated by separate instrument on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to Council for final action.
- (2) No structural encroachment into any easements on the subject site, including, but not limited to, roof overhang/eaves, foundations/footing, cantilevered walls, bay windows, etc., or of mechanical equipment, such as heating and air equipment and their pads.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any needed additional easements prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (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 Planning Staff with a legal description of the vacated sewer easement dedicated by separate instrument on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to Council for final action.
- (2) No structural encroachment into any easements on the subject site, including, but not limited to, roof overhang/eaves, foundations/footing, cantilevered walls, bay windows, etc., or of mechanical equipment, such as heating and air equipment and their pads.

- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any needed additional easements prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (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.

KLAUSMEYER moved, **FOSTER** seconded the motion, and it carried (8-0).

- 3-2. **VAC2013-00027: City request to vacate a portion of platted street right-of-way,**
generally located on the southeast corner of 21st Street North and Hoover Road.

OWNER/AGENT: BZR Investments, Inc., c/o RD Wood (owner) Meridian Const. LLC, c/o Darrell Leffew (agent)

LEGAL DESCRIPTION: Generally described as the south 25 feet of a portion of the platted 75-foot wide 21st Street North street right-of-way, design for a turn lane, running parallel to the north lot line of Lot 1, Block 1, U Needa Self Storage Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the southeast corner of Hoover Road and 21st Street North (WCC #VI)

REASON FOR REQUEST: More room to build

CURRENT ZONING: Subject property is public street right-of-way (ROW). Abutting southern property is zoned OW Office-Warehouse (OW). Adjacent northern properties are zoned LI Limited Industrial (LI) and IP Industrial Park (IP). Adjacent western properties are zoned LC Limited Commercial (LC) and GC General Commercial (GC). Adjacent eastern properties are zoned LC and SF-5 Single-Family Residential (SF-5)

The applicant proposes to vacate the south 25-feet of a portion of the 21st Street North right-of-way (ROW) that was designed to provide a left turn lane onto Hoover Road. The proposed vacation will shorten the turn lane, but mirror its current design. There appears to be no public utilities located within the described portion of the platted street. There is a Philips Pipe Line Construction

Easement in the ROW, which the vacated portion of ROW will not impact; Film 419, Page 1463. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described utility easement. The U Needa Self Storage Addition was recorded with the Register of Deeds April 16, 1999.

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

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 August 1, 2013, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the described portion of the platted public street right-of-way and that 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 Planning Staff with a legal description of the vacated portion of the platted street right-of-way, as approved by the Traffic Engineer, on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Bound and tie the vacated ROW to Lot 1, Block 1, U Needa Self Storage Addition by a restrictive covenant. This must be provided to Planning prior to the case going to Council for final action and subsequent recording with the Register of Deeds.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed additional easements prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County

and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide Planning Staff with a legal description of the vacated portion of the platted street right-of-way, as approved by the Traffic Engineer, on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Bound and tie the vacated ROW to Lot 1, Block 1, U Needa Self Storage Addition by a restrictive covenant. This must be provided to Planning prior to the case going to Council for final action and subsequent recording with the Register of Deeds.
- (3) All required landscaping or right-of-way trees removed by the vacation must be replaced by the next growing season or within 6-months, whichever comes first. Provide a guarantee to replace all required landscaping or right-of-way trees removed by the vacation, prior to the case going to City Council.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed additional easements prior to the case going to Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

KLAUSMEYER moved, **FOSTER** seconded the motion, and it carried (8-0).

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- 3-3. VAC2013-00028: City request to vacate a portion of a platted setback, generally located west of Meridian Avenue, south of Pawnee Avenue, on the northeast side of Custer Avenue and Casado Street.**

OWNER/AGENT: Center Industries Corp. (owner) / KE Miller Eng. PA, c/o Kirk Miller (agent)

LEGAL DESCRIPTION: The west 25 feet of the platted 60-foot front yard setback that runs parallel to the east lot line of Lot 13, Block 1, Wichita Builders 3rd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Meridian Avenue, south of Pawnee Avenue, on the northeast side of Custer Avenue and Casado Street (WCC #IV)

REASON FOR REQUEST: Building expansion

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned LI Limited Industrial (LI)

The applicant proposes to vacate the west 25 feet of the platted 60-foot front yard setback, on Lot 13, Block 1, Wichita Builders 3rd Addition. The subject corner lot is zoned LI Limited Industrial (LI). The Unified Zoning Code's (UZC) minimum front yard setback standard for the LI zoning district is 20 feet. If approved the result would be a 35-foot front yard setback. There are no platted easements in the described portion of the platted setback. There appears to be no public utilities within the described portion of the platted setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback. The Wichita Builders 3rd Addition was recorded with the Register of Deeds January 9, 1973.

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

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time August 1, 2013, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the described portion of the platted setback and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the west 25 feet of the platted 60-foot front yard setback that runs parallel to the east lot line of Lot 13, Block 1, Wichita Builders 3rd Addition, Wichita, Sedgwick County, Kansas. Provide Planning Staff with a legal description of the approved vacated

portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the west 25 feet of the platted 60-foot front yard setback that runs parallel to the east lot line of Lot 13, Block 1, Wichita Builders 3rd Addition, Wichita, Sedgwick County, Kansas. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

KLAUSMEYER moved, **FOSTER** seconded the motion, and it carried (8-0).

3-4. VAC2013-00029: City request to vacate portion of a platted setback, generally located south of 13th Street North, west of Maize Road, on the south side of Maize Court.

OWNER/AGENT: West Wichita Venture Group, c/o Crystal Page (owner) Baughman Company, PA, c/o Russ Ewy (agent)

LEGAL DESCRIPTION: Generally described as vacating the south 15 feet of the platted 35-foot street side yard setback running parallel to the north lot lines of Lots 1 and 2, Huntington Park Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 13th Street North, on the west side of Maize Road, south of Maize Court (WCC #V)

REASON FOR REQUEST: Associated with future development

CURRENT ZONING: The site (DP-153) and adjacent northern properties are zoned LC Limited Commercial (LC). Abutting western and southern properties are zoned SF-5 Single-Family Residential (SF-5). Adjacent eastern properties are zoned TF-3 Two-Family Residential (TF-3).

The applicant proposes to vacate the south 15 feet of the platted 35-foot street side yard setback running parallel to north lot lines of Lots 1 and 2, Huntington Park Addition and the south side of the Maize Court right-of-way. The LC Limited Commercial (LC) zoned site has Community Unity Plan (CUP) DP-153 overlay. The minimum setback for a CUP is 35 feet from all street right-of-way and alleys; Unified Zoning Code (UZC) Sec.III-C.2.b.(2)(a)1). The minimum street side yard setback for the LC zoning district is 10 feet; UZC Sec.III-B.14.d.(6). The Planning Commission or Governing Body may modify or waive a CUP's setback standard as part of approval or amendment to a CUP; UZC Sec.III-C.2.d. The public hearing process to vacate a portion of the platted setback serves as an amendment. The west, adjacent setback (located along the west side of the Maize Court right-of-way) on Lot 2 was approved on the CUP and plat with a 25-foot setback.

There are no platted easements in the described portion of the platted setback. There appears to be no public utilities within the described portion of the platted setback. However, in the near future there will be a sewer line and easement located within the area of the current vacation request and the applicant needs to confirm that there will be no encroachments into the sewer line and the easement. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the area of the vacation. The Huntington Park Addition was recorded with the Register of Deeds January 8, 1998.

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/Storm Water, Fire, franchised utility representatives and other interested parties, Planning

Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted setback.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time August 1, 2013, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the described portion of the platted setback and that 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 Planning Staff with a legal description of the approved vacated portions of the setbacks on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide the needed plans to confirm that the vacation does not encroachment into the area of the planned sewer line extension and its easement. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any needed additional easements prior to the case going to Council for final action.
- (3) Adjust CUP DP-153 to reflect the vacated setback.
- (4) 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 Planning Staff with a legal description of the approved vacated portions of the setbacks on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

- (2) Provide the needed plans to confirm that the vacation does not encroachment into the area of the planned sewer line extension and its easement. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any needed additional easements prior to the case going to Council for final action.
- (3) Adjust CUP DP-153 to reflect the vacated setback.
- (4) 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.

KLAUSMEYER moved, **FOSTER** seconded the motion, and it carried (8-0).

PUBLIC HEARINGS

4. **Case No.: ZON2013-00018** - City of Wichita, c/o John Philbrick (owner) / Angel Fire, LLC, c/o Mike Brand (applicant) / Baughman Co., PA, c/o Phil Meyer (agent) request a zone change from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

A tract of land in the west half of the Southeast Quarter of the Southeast Quarter of Section 19, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning at a point 660 feet west of the southeast corner of said Section 19, thence north 1052.5 feet; thence west 165 feet; thence south 1052.5 feet; thence east 165 feet to the point of beginning, EXCEPT the south 40 feet thereof.

BACKGROUND: The applicant is requesting TF-3 Two-Family Residential (TF-3) zoning on the 4.05-acre SF-5 Single-Family Residential (SF-5) zoned site. The tract is part of the southeast portion of the City of Wichita owned, unplatted, South Lakes Park. The applicant proposes a duplex development. Last year the applicant had rezoned the abutting eastern properties TF-3, contingent on replatting; ZON2012-00022 is not in effect at this time. The Park Board has authorized the negotiation of the sale of the land and will need to give final approval of the sale and zone change, as will City Council.

The site is located west of Seneca Street on the north side of 55th Street South. The SF-5 zoned South Lakes Public Park, which is where the site is located in, is one of the dominate feature of this area with its small lakes, open spaces and playing fields. The park's largest fishing lake abuts the west side of the site. A small SF-5 zoned manufactured home subdivision is located further west, as is the City of Haysville and its USD 261 public school facilities (the other dominant feature of the area), anchored by Campus High School. SF-5 zoned non-conforming outdoor storage abuts the

north side, as well as a portion of the east side, of the site. Vacant MF-29 Multi-Family Residential (MF-29), GO General Office (GO) and LC Limited Commercial (LC) zoned properties also abut and are adjacent to the east side of the site. The abutting and adjacent MF-29, LC, GO zoned properties were approved for TF-3 zoning contingent on replatting; ZON2012-00022 is not in effect at this time. Urban scale SF-5 zoned single-family residential development makes up most of the development located further east, across Seneca. However, there is also a small group of LC zoned apartments and MF-29 and TF-3 zoned duplexes, clustered around a LC zoned convenience store. Development located south of the site, across 55th, includes undeveloped LC zoned property, large and small tract LC and SF-5 zoned single-family residences, a LC zoned church, a GC General Commercial (GC) zoned contractor's stone and gravel yard, a vacant LC zoned bar and SF-5 and SF-20 Single-Family Residential (SF-20) zoned agricultural land.

CASE HISTORY: The site is part of the City of Wichita's South Lakes Park complex of fishing ponds, open spaces and playing fields. The park land was acquired in 1990 – 1992. DAB IV heard this request at their August 12, 2013 meeting and unanimously (7-0) recommended approval.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Public park land, non-conforming outdoor storage.
SOUTH: LC, SF-5, SF-20, GC	Undeveloped land, single-family residences, contractor's yard, vacant bar, agricultural land
WEST: SF-5	Haysville Public park land, manufactured homes, public schools
EAST: LC, MF-29, GO, TF-3, SF-5	Undeveloped land, convenience store, apartments, duplexes, single-family residences

PUBLIC SERVICES: Seneca Street is a four-lane arterial at this location. 55th Street South is a two-lane minor arterial with a center turn lane at the Seneca intersection. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The '2013 Land Use Guide of the Comprehensive Plan' (Plan) identifies the SF-5 zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residential uses and parks, but not duplexes, by right. The site's requested TF-3 zoning is compatible with the Plan's urban residential category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, contingent upon approval by the Park Board and subject to platting within a year.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The SF-5 zoned South Lakes Public Park, which the site is located in, is one of the dominate feature of this area with its small lakes, open spaces and playing fields. The park's largest fishing lake abuts the west side of the site. A small SF-5 zoned manufactured home subdivision is located further west, as is the

City of Haysville and its USD 261 public school facilities (the other dominant feature of the area), anchored by Campus High School. SF-5 zoned non-conforming outdoor storage abuts the north side, as well as a portion of the east side, of the site. Vacant MF-29 Multi-Family Residential (MF-29), GO General Office (GO) and LC Limited Commercial (LC) zoned properties also abut and are adjacent to the east side of the site. The abutting and adjacent MF-29, LC and GO zoned properties were approved for TF-3 zoning contingent on replatting; ZON2012-00022 is not in effect at this time. Urban scale SF-5 zoned single-family residential development makes up most of the development located further east, across Seneca. However, there is also a small group of LC zoned apartments and MF-29 and TF-3 zoned duplexes, clustered around a LC zoned convenience store. Development located south of the site, across 55th, includes undeveloped LC zoned property, large and small tract LC and SF-5 zoned single-family residences, a LC zoned church, a GC General Commercial (“GC”) zoned contractor’s (stone and gravel) yard, a vacant LC zoned bar and SF-5 and SF-20 Single-Family Residential (“SF-20”) zoned agricultural land.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5. The SF-5 zoning permits the site’s current use as a public park; acquired by the City of Wichita in 1990 – 1992. The long and narrow site (approximately 1,000 feet {x} 200 feet) basically provides a buffer between future eastern development and the park’s fishing lake.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning is less restrictive than the site’s current SF-5 zoning. If approved, duplexes could be located less than 100 feet from the park’s fishing lake.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to single-family residential, duplex, and some (but not limited to) institutional uses such as a parks, schools and churches. Denial of the request could impose a financial hardship on the owner.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The ‘2013 Land Use Guide of the Comprehensive Plan’ (Plan) identifies the SF-5 zoned site as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residential uses and parks, but not duplexes, by right. The site’s requested TF-3 zoning is compatible with the Plan’s urban residential category.
- (6) **Impact of the proposed development on community facilities:** All services are in place, and any increased demand on community facilities can be handled by current infrastructure.

BILL LONGNECKER, Planning Staff presented the Staff Report.

FOSTER said he wants to understand fully the loss of parkland and the strategy of the Park Board in giving up this land.

LONGNECKER said he was not sure he could answer that question. He referred to the letter attached to the Staff Report and noted that the item will go back to the Park Board for final approval.

HOYT HILLMAN, 3705 EAST MT. VERNON, PARK BOARD MEMBER thanked Commissioner **FOSTER** for his question. He said the Park Board has a policy of generally not selling parkland; however, in this case they have successfully been working with the developer and see a good benefit. He said they are looking at park improvements around the lake in exchange for the land rather than an actual land sale. He referred to a map of the area and mentioned installation of a fence along the north park area with an opening and installation of a children's play area, a pathway around the lake up to the northeast corner and a floating dock. He said those items are going to be provided in exchange for the value of the parkland. He said the Park Board feels these are considerable enhancements that will provide public benefit.

MOTION: To approve subject to staff recommendation.

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

-
5. **Case No.: CON2013-00016** - Midland Baptist Church (owner) / Erika Tomlin (applicant) request a City Conditional Use for Day Care, General in SF-5 Single-family Residential zoning on property described as:

Lot 1, Block A, Midland Baptist Church Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The application area is 1.94 platted acres zoned SF-5 Single-family Residential that is developed with the Midland Baptist Church, parking lot and an accessory structure. The property is located 300 feet south of West 19th Street North and east of North Tyler Road (1860 North Tyler Road). The applicant is requesting approval of a Conditional Use to permit a "day care, general" use in the church identified as Kiddy Kollege Child Care. The site plan indicates the covered driveway will be the loading area. Forty-one parking spaces are shown. Additional fencing will be constructed to create a fully enclosed backyard. The property has two drive approaches from Tyler Road. Staff has been advised the maximum number of people permitted is 44 and the hours of operation would be Monday through Friday, 6:00 a.m. to 6:00 p.m.

"Day care, general" is defined by the Unified Zoning Code as a day care center that "provides care, protection and supervision for more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees, or a Day Care center for ten or fewer individuals at any one time that is not operated as a Home Occupation." "Day care, general" is permitted with Conditional Use approval in the SF-5 district. "Day care, general" requires one parking space per teacher/employee, plus one space per vehicle used in the center, plus one per ten children based upon an enrollment above 12, and one off-street loading space per ten students for "day care centers" with 11 or more students. Supplemental Use Regulation Article III, Section III-D.6.i requires that all day care centers comply with all applicable state regulations and outdoor play be limited to the hours of 7:30 a.m. to 6:30 p.m. if located within 100 feet of a lot containing a dwelling unit. The subject property abuts multiple lots containing a dwelling unit.

All abutting properties are zoned SF-5 and developed with single-family residences. Further south of the application area is a lot that is zoned NR Neighborhood Retail, subject to Protective Overlay #264 that is developed with a retail store. North of the site, at the northeast corner of 19th Street and Tyler is a lot that is zoned GO General Office.

CASE HISTORY: The property is platted as Lot 1, Block A, Midland Baptist Church Addition.

ADJACENT ZONING AND LAND USE:

North: SF-5; single-family residences

South: SF-5; single-family residences

East: SF-5; single-family residences

West: SF-5; single-family residences

PUBLIC SERVICES: North Tyler Road has fifty feet of half-street right-of-way along the frontage of the application area, and is classified as a four-lane arterial. Other normally supplied utilities are available or can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

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

1. The Conditional Use permits the establishment and operation of a “day care, general,” as defined in the Wichita-Sedgwick County Unified Zoning Code. The “day care, general” shall be developed and operated in general conformance with the approved site plan, and all applicable local and state regulations.
2. The maximum number of children allowed to be cared for by the day care is forty-four. The hours of operation shall be Monday through Friday, 6:00 a.m. to 6:00 p.m.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, may, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the properties adjacent to the application area are zoned SF-5 and developed with single-family residences. There are two nearby properties that are zoned NR and GO.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5, which is the most restrictive zoning district found in the City, and is developed with a church. The property could continue to be used as currently developed

without the requested Conditional Use; however, it is becoming more common for churches to also offer day care services through the week.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: At 1.94 acres the site is a relative large urban lot. The site is already developed with an institutional use and associated parking that could be used seven days a week; therefore, the introduction of a day care, general use should not impact nearby properties to any greater extent than the existing church. The proposed fencing and the size of the site also lessen anticipated impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial presumably would be an economic loss to the church or the day care operator or both. Approval would provide additional day care choices in that segment of the City.
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 appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.
6. Impact of the proposed development on community facilities: Existing improvements are available or can be extended to accommodate the site.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

G. SHERMAN moved, **MILLER STEVENS** seconded the motion, and it carried (8-0).

G. SHERMAN recused himself from the item and left the bench.

NON-PUBLIC HEARING ITEMS

6. Conformity of the West Bank Apartments Project Plan for the East Bank Redevelopment District with the Wichita-Sedgwick County Comprehensive Plan.

Background: A tax increment finance district is a tool available under Kansas Statutes to stimulate economic redevelopment. It allows a city to finance in blighted or deteriorating areas, all or a portion of public infrastructure and redevelopment costs using captured incremental real estate tax revenues or sales tax revenues generated by the redevelopment activity.

In 1995, the Wichita City Council established the East Bank Redevelopment District, with additional district boundary expansions approved by Council in 2004. This district is generally located along the east and west banks of the Arkansas River corridor north of Kellogg, east of McLean and north to the area of the Mid-America All Indian Center.

The West Bank Apartments Project includes development of a 154-unit luxury apartment complex on the city-owned site of the former West Bank stage property along the west bank of the Arkansas River between Douglas and 1st Street, east of McLean. The development will include pedestrian walkway access to the Arkansas River, bike paths and Delano Park. The apartment building will also include a boat and bike rental facility with river access and the storage for rowing shells. Parking for tenants will be provided through structured parking and 134 public parking stalls will be provided for the general public and guests. A 20,000 sq. ft. two-story commercial building is also planned along McLean Boulevard as a second phase of development, based on market conditions.

Development of the project area will include site development, street improvements and riverbank improvements. It is estimated that project construction will begin in the first quarter of 2014 and be completed in the second quarter of 2015.

Tax increment financing will be used to finance public infrastructure improvements, including street paving and utility extensions and relocations. TIF will be used to finance \$2,500,000 of site improvements. The total cost to develop the project area is estimated at \$24,700,000.

The original assessed valuation of the Project Area as of January 2013 for taxes payable in 2013-2014 is \$0. The projected total assessed valuation for the Project Area as of January 1, 2016 is estimated to be \$1,947,500. Therefore, the captured assessed valuation for the Project Area as of January 1, 2016 is estimated at \$1,947,500 with a property tax increment of 231,945. The Project Plan's financial feasibility assessment indicates that the projected tax increment from the District will be sufficient to pay for all eligible costs including the project debt service on general obligation bonds issued to finance such costs.

Analysis: The MAPC is advised that the West Bank Apartments Project Plan for the East Bank Redevelopment District falls within the Arkansas River and Douglas Corridor/Delano Districts of the *Project Downtown Master Plan* which has been adopted as an element of the *Wichita-Sedgwick County Comprehensive Plan*.

The *Project Downtown Master Plan* identifies housing as Downtown's most significant market-driven development opportunity. The vision for the Arkansas River and Douglas Corridor/Delano Districts specifically encourages three key elements contained in the West Bank Apartments Project: new housing close to the river; additional commercial development that takes advantage of the river location; and, the establishment of boat storage/rental facilities adjacent to the river.

Legal Considerations: Pursuant to K.S.A. 12-1772, each redevelopment project plan undertaken as part of a tax increment finance district must be prepared in consultation with the planning commission. Accordingly, the MAPC has a responsibility to review the proposed West Bank Apartments Project Plan for the East Bank Redevelopment District, and make a determination of its consistency with the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission pass a resolution finding the proposed West Bank Apartments Project Plan for the East Bank Redevelopment District to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

DAVE BARBER, Planning Staff presented the Staff Report. He introduced Scott Knebel, Downtown Revitalization Manager.

WARREN (In @1:43 p.m.)

SCOTT KNEBEL provided a brief overview of the west bank apartments, i.e., River Vista. He introduced Amy Liebau with River Vista, LLC who was present to answer questions. He referred to an architectural drawing and site plan of the four-story River Vista Apartments and proposed river walk improvements. He mentioned the intersection improvements proposed at McLean that would allow full access to the site and installation of public/apartment parking. He said the project also includes the potential for a second phase of commercial development consisting of a 20,000 square foot, two-story commercial office and retail building.

MILLER STEVENS asked if the existing park and fountain closer to Douglas will be maintained.

KNEBEL responded yes, and indicated that the McLean Fountain and Delano Park will remain. He mentioned installation of a statue and improvements at Delano Park including a boat dock associated with the boathouse and walkway improvements. He said those ideas are conceptual at this point and will need to be designed in detail going forward.

MILLER STEVENS asked about the other area that was parkland.

KNEBEL said the westbank stage area is not designated as a park area.

MILLER STEVENS asked about eligibility for Tax Increment Financing (TIF) and mentioned blighted or deteriorating property. She asked how this area qualifies for that.

KNEBEL said the Eastbank Redevelopment District is the entire district; however, the determination is not property by property, but by the overall district itself which he believes was originally determined in 1995. He said much of the blight in the district has been removed in the last 20 years since the district was created. He said arguably the blight is the half remaining westbank stage that is never used and the sign that is falling apart.

MILLER STEVENS asked if the determination was made in 1995, how many more years are left on the TIF.

KNEBEL said the redevelopment district is indefinite and added that each project is 20 years and there is a potential for 10 projects.

MILLER STEVENS asked about the bonded indebtedness related to that.

KNEBEL said each project has 20 years. He said this proposed project is slated to be started in 2014 and referred Commissioner **MILLER STEVENS** to the Debt Service Schedule provided as part of the agenda item which indicated a \$2.5 Million bond issue.

MILLER STEVENS said the table indicated the City will end paying over \$4 Million which is more than twice what the project is worth.

KNEBEL said the assumed interest of 3.7%, which is relatively low, is amortized over 18 years.

MILLER STEVENS clarified that the County and School District have agreed to submit their part of the taxes.

KNEBEL said that occurs with plan approval.

GOOLSBY asked if the project was “DOA” (dead on arrival) if the City decides to initiate drilling across the street.

AMY LIEBAU, 150 NORTH MARKET, RIVER VISTA, LLC said she didn’t have an answer to that question.

MILLER STEVENS mentioned infrastructure for the project and asked if the parking was public or private.

LIEBAU said the surface parking was public parking.

MILLER STEVENS asked staff to break down “Financing and other Costs” mentioned on page 45 of the document.

KNEBEL said that figure reflects the cost of issuance of the bonds and legal and accounting services.

MILLER STEVENS asked about widening of McLean.

KNEBEL said construction included a new intersection with left turn lanes, a cut in the median and sidewalks along McLean.

DENNIS said he didn’t understand the answer given to Commissioner **GOOLSBY** regarding drilling across the street. He said the Commission will be rehearing the case for drilling in two weeks. He said they have heard pros and cons. He asked what is going to happen with this proposal if the City decides to approve drilling across the street.

LIEBAU said they have concerns with the proposed location of the drilling; however, they are not prepared to say they won’t move forward with this project if drilling is approved; but they do have concerns.

DENNIS asked **LIEBAU** to come back in two weeks and give the Commission a better answer.

LIEBAU said they may be able to give the Commission a better answer at that time. She said they are still learning about the drilling proposal as the City is. She said they are still doing their investigation into the effects on their property.

DENNIS said although this was a non-public hearing item, he asked if there was anyone in the audience that wished to speak on the item.

JEFF FLUHR, 507 EAST DOUGLAS AVENUE, WICHITA DOWNTOWN

DEVELOPMENT CORPORATION (WDDC) said they are in support of the project which is part of the overall Master Plan Development of the riverfront. He said this project addresses the residential, commercial development and programming of public space criteria set out in the Plan. He said this catalyst site will help with development further west and on the east bank as well.

MOTION: That the Planning Commission finds the proposed West Bank Apartment Project Plan for the East Bank Redevelopment District to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

J. JOHNSON moved, **GOOLSBY** seconded the motion, and it carried (8-0-1).
G. SHERMAN – Abstained.

G. SHERMAN back on the bench.

MCKAY recused himself from the item and left the bench.

7. Conformity of the Exchange Place Project Plan for the Center City South Redevelopment District with the Wichita-Sedgwick County Comprehensive Plan

Background: A tax increment finance district is a tool available under Kansas Statutes to stimulate economic redevelopment. It allows a city to finance in blighted or deteriorating areas, all or a portion of public infrastructure and redevelopment costs using captured incremental real estate tax revenues or sales tax revenues generated by the redevelopment activity.

In 2007, the Wichita City Council established the Center City South Redevelopment District. This district is generally bounded by 1st Street on the north, Broadway on the east, English on the south and Main Street on the west. The District was expanded by the City Council in 2009 to support redevelopment surrounding the Intrust Bank Arena.

The new Exchange Place Project Plan proposes to create 230 residential apartment units (studio, one and two bedrooms) and 16,000 square feet of first floor retail space by renovation/conversion of the existing Exchange and Bitting buildings. The construction of a 273 stall automated parking structure is also proposed along Douglas Avenue (from Market to Broadway) to support this redevelopment. The construction of this project will require the demolition of the existing Michigan and Lerner's buildings.

Tax increment financing will be used to finance land acquisition, construction of a 273 stall shared parking garage, and public infrastructure improvements (including street paving and utility extensions and relocations). TIF will be used to finance \$12,500,000 of site improvements. The total cost to develop the project area is estimated at over \$66,000,000. It is anticipated that project construction will begin in January 2014 and be completed before the end of 2015, with full occupancy by January 2017.

The original assessed valuation of the Project Area as of January 2007 for taxes payable in 2007-2008 is \$8,800,420. The projected total assessed valuation for the Project Area as of January 1, 2017 is estimated to be \$17,309,431. Therefore, the captured assessed valuation for the Project Area as of

January 1, 2017 is estimated at \$ 8,509,011 with a property tax increment of \$832,000. The Project Plan's financial feasibility assessment indicates that the projected tax increment from the District will be sufficient to pay for all eligible costs including the project debt service on general obligation bonds issued to finance such costs.

Analysis: The MAPC is advised that the Exchange Place Project Plan for the Center City South Redevelopment District falls within Downtown Core and Douglas Corridor Districts of the *Project Downtown Master Plan* which has been adopted as an element of the *Wichita-Sedgwick County Comprehensive Plan*.

The *Project Downtown Master Plan* identifies housing as Downtown's most significant market-driven development opportunity. The visions for the Downtown Core and Douglas Corridor Districts specifically encourage three key elements contained in the Exchange Place Project Plan:

1. Mixing housing with other uses;
2. Increasing retail as ground-floor uses;
3. Focusing infill housing and retail/commercial development around shared structured parking and walking/transit corridors.

Legal Considerations: Pursuant to K.S.A. 12-1772, each redevelopment project plan undertaken as part of a tax increment finance district must be prepared in consultation with the planning commission. Accordingly, the MAPC has a responsibility to review the proposed Exchange Place Project Plan for the Center City South Redevelopment District, and make a determination of its consistency with the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission pass a resolution finding the proposed Exchange Place Project Plan for the Center City South Redevelopment District to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

DAVE BARBER, Planning Staff presented the Staff Report. He introduced Allen Bell, Urban Development Director.

ALLEN BELL provided a brief overview of the new project plan. He said the last time the Planning Commission saw this project was in 2007 which was for conversion of the Bank IV building later known as the Exchange Place building into a residential/condominium building. He said that project was determined to be unfeasible for a variety of reasons. He said the developer then changed the project to 230 apartments and acquired the Bidding building to the west of Exchange Place and expanded the scope of the project. He referred to an architectural rendering of the proposed project. He mentioned the automated parking garage (available to the public) capable of housing 273 cars. He said parking would be provided by robots that will take cars up elevators for storage so there will be a greater capacity than a regular garage. He said additional new construction included four-story apartments that will face the street. He said the ground floor of all three buildings will be converted into 16,000 square feet of retail space. He mentioned the addition of rooftop amenities such as a lounge and club house for the apartment dwellers.

BELL said the project will be financed by a combination of conventional financing supported by a Housing and Urban Development (HUD) guarantee with the 221(d)(4) program for financing

residential projects. He said the developer has submitted an application and received a firm commitment for HUD financing in the amount of approximately \$30 Million. He said the City would contribute \$12.5 Million in TIF financing to acquire the property and pay for construction of the automated parking garage.

GOOLSBY asked about a current timetable for the project.

BELL said the HUD commitment for financing was received in June and depending on how many extensions they can get, they should close on HUD financing by mid October or November. He said construction should start immediately thereafter. He mentioned that the project has been fraught with setbacks. He said one of the many changes was replacement of the original developers with a new developer with a very strong track record. He said once all the legal, technical and procedural requirements have been met, construction should start in Spring, 2014.

MILLER STEVENS asked who will own the property.

BELL said the property is currently owned by a businessman from Minneapolis who is not part of the current development. He said the property purchasers are the developers Exchange Place LLC and Talo Holdings who will purchase the property and hold title to it going forward. He added that under the terms of the development agreement, the source of financing for the purchase will be TIF funds.

J. JOHNSON clarified that the Planning Commission was looking at conformity to the Comprehensive Plan.

MILLER STEVENS asked doesn't looking at the financial burden of the project fit in with Comprehensive Plan review. She said it implies a responsibility otherwise anything would fit in the Plan. She said there is a level of financial responsibility for projects because they do burden the City.

DIRECTOR SCHLEGEL said previously the Planning Commission hasn't reviewed financial considerations of a project to see whether or not it is in conformity with the Comprehensive Plan. He said that is a job the City Council handles with the help of staff. He said it is not the Commission's usual practice to do that.

MILLER STEVENS said looking at whether a project fits the Plan or creates another barrier for development from a financial standpoint is what she is looking at. She asked is that not a consideration during the review process.

DIRECTOR SCHLEGEL clarified that historically the Planning Commission has reviewed these types of projects from a land use point of view; that is whether the particular use of this property is in conformance with the Comprehensive Plan.

MILLER STEVENS replied so land use is the purpose of the Comprehensive Plan. She said she is looking at it as the Comprehensive Plan, not just a land use plan.

DIRECTOR SCHLEGEL said the Planning Commission should have the discretion it wants as a board, but historically the Commission has reviewed these types of items in terms of land use and whether that conforms to the Comprehensive Plan

FOSTER said since the Downtown Master Plan is part of the Comprehensive Plan, he thinks it would be appropriate for the record that Mr. Fluhr speak on topic.

JEFF FLUHR, 507 EAST DOUGLAS AVENUE, WICHITA DOWNTOWN

DEVELOPMENT CORPORATION (WDDC) said the Downtown Master Plan looks at several land uses including residential, commercial, retail and hospitality. He said the Plan identified a market demand of over 1,500 residential units over the next 5-7 years. He said since 2010 160 market rate units have been built and today there are over 200 units actively under construction. He said including this project, there are a little over 400 units in the pipeline, which is not hitting the benchmark. He said downtown could absorb 300 units a year in 5 years. He said this project brings in residential which is important to downtown. He said each market is important, but residential development brings vitality to downtown after 5:00 p.m. and on the weekends and helps with commercial development. He said the proposed land use fits into the Downtown Master Plan.

MOTION: That the Planning Commission finds the proposed Exchange Place Project Plan for the Center City South Redevelopment District to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

J. JOHNSON moved, **G. SHERMAN** seconded the motion, and it carried (8-0-1).
MCKAY – Abstained.

Other Matters/Adjournment

DIRECTOR SCHLEGEL indicated that the Pedestrian Master Plan Steering Committee was looking for a representative from the Planning Commission.

DENNIS asked if there were any volunteers.

GOOLSBY asked when and how often do they meet.

BARBER indicated maybe once a month for 6 months.

DIRECTOR SCHLEGEL explained that this Steering Committee will report to the Bicycle Pedestrian Advisory Board. He added that the City recently endorsed the Bicycle Master Plan and this is a follow up plan for making walking in the City more pleasant.

DENNIS asked Commissioners to speak to their respective City Council Member or County Commissioner regarding their reappointment to the Planning Commission.

DENNIS commented that the Commission will elect a new Chair and Vice Chair at the next meeting. He said since he will not be in attendance he wanted to take the opportunity to thank the Commission for electing him Chair and said it has been an honor and privilege to serve the past year.

J. JOHNSON commented that Chairman **DENNIS** has done a fantastic job and the Commission thanks him.

The Metropolitan Area Planning Commission adjourned at 2:20 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