

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

December 19, 2013

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, December 19, 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: Don Klausmeyer; Chair; Matt Goolsby; Vice Chair; David Dennis; David Foster; Bill Johnson; Joe Johnson; John McKay Jr.; M.S. Mitchell; George Sherman and Debra Miller Stevens and. Steve Anthimides; Carol Neugent; Don Sherman; Chuck Warren 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, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the November 7, 2013 meeting minutes.

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

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

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2007-00057: FINAL PLAT - FABER COMMERCIAL ADDITION**, located on the Northeast corner of 29th St. North and 119th St. West.

NOTE: This is an unplatted site located within the City. The site has been approved for a zone change (ZON2006-00008) from SF-5 Single-family Residential to LC Limited Commercial and GO General Office. A Community Unit Plan (CUP2006-00007, DP-296) was also approved for this site.

STAFF COMMENTS:

- A. City Water Utilities Department requests the applicant guarantee the extension of City water (16" line) to the north line of the plat on 119th St. West. The property was not assessed for the water in 29th Street and the existing house paid in lieu of assessment to connect to water. This property was not assessed for any of the adjacent sewer.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan subject to revisions. County Engineering has approved the drainage plan.
- D. County Surveying advises that the bearing on the west line of Lot 2, Block A needs corrected.
- E. In accordance with the CUP, the following transportation improvements are required:
 1. The applicant shall guarantee an eastbound left turn center lane and a westbound right-turn decel lane to the full movement opening on 29th Street North at time of platting.

2. Cross-lot circulation shall be required between all parcels.
- F. The plat proposes two openings along 119th Street West and four openings along 29th Street North. Traffic Engineering has approved the access controls.
- G. The perimeters of the proposed lots shall match the perimeters of the CUP parcel boundaries. A CUP adjustment will need to be approved.
- H. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- I. The year needs changed to 2013 for the MAPC signature block.
- J. The platlor's text should reference access controls being granted to the appropriate governing body since 119th Street West is not a City of Wichita road.
- K. 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.
- 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 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 disk (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 disk. If a disk 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.

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

2-2. **SUB2013-00047: ONE-STEP FINAL PLAT - WESTWAY 2ND ADDITION,**
located on the south side of Pawnee, west side of Seneca.

Note: This is a replat of a portion of the Westway Addition. The site is subject to the Westway Shopping Center Community Unit Plan (DP-21).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department has advised that water and sanitary sewer services are available to serve the site.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. The plat proposes three openings along Pawnee and four openings along Seneca. Traffic Engineering has approved the access controls. The 100-foot of complete access control along Elizabeth should be measured from the new lot line.
- E. The Applicant needs to request a CUP adjustment, as the CUP parcel boundaries do not correspond with the area being platted. A CUP adjustment for setbacks may also be needed.
- F. This property is within a zone identified by the City Engineers' 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 Engineers' office.
- G. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- H. The "drainage and utility easement" referenced in the plattor's text needs spelled correctly.

- I. The year needs changed to 2013 for the MAPC signature block.
- J. 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.
- K. 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.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. 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.
- N. 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.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one 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.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- R. A compact disk (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 disk. If a disk 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.

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

2-3. **SUB2013-00048: One-Step Final Plat – CAMPBELL’S POND ADDITION**, located north of MacArthur, east of Broadway.

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 is available. Sanitary sewer is not available. A No Protest Agreement for future extension of sanitary sewer is requested.
- B. City of Wichita Environmental Health has issued approval of on-site sewerage for Lot 1. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available. Since the Subdivision Regulations require one acre for on-site sewage disposal systems, a restrictive covenant shall be provided limiting development on Lot 2 until the lot conforms to lot size requirements and approval has been granted by City of Wichita Environmental Health or until sanitary sewer is extended to the site.
- 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. The Subdivision Committee has recommended approval of the plat subject to City Stormwater Management approval of the drainage plan. The final plat should label the 35.12 (M) width of flood control right-of-way as an exception, which is managed by the Wichita/Sedgwick County Flood Control. A minimum pad elevation shall be listed on the face of the plat for each lot.
- E. A cross-lot access agreement is needed with the property to the north.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- G. 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.
- H. County Surveying requests that the dimension on the west line of Lot 2, Block 1 be corrected.
- I. County Surveying requests a pdf of the plat prior to submittal of the mylar.
- J. Due to the east portion of the site zoned SF-5 Single-family Residential, a zone change is recommended. In the alternative, a restrictive covenant shall be submitted limiting the east portion of the site to uses permitted in the SF-5 Single-family Residential zoning district.
- K. The Applicant has platted a 10-foot building setback along Topeka which represents an adjustment of the Zoning Code standard of a 20-foot front setback for the GC General Commercial District. The

Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.

- L. The spelling of “stormwater” needs corrected in the owner’s certificate.
- M. This property is within a zone identified by the City Engineer’s office as likely to have groundwater at some or all times within ten 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.
- 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 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. Westar Energy has requested an additional utility easement to be platted on this property which will be obtained by separate instrument upon development. Any removal or relocation of existing equipment of utility companies will be at the applicant’s expense.
- U. A compact disk (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 disk. If a disk 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.

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

2-4. **SUB2013-00049: ONE-STEP FINAL PLAT - GLEN MEADOWS 2ND ADDITION,**
located South of 21st Street North, West of Greenwich.

NOTE: This is a replat of the Glen Meadows Addition. The public street has been vacated and replaced with a private street platted as Reserve A. The plat is subject to the Oak Creek Community Unit Plan (CUP DP-274).

STAFF COMMENTS:

- A. City Engineering has received petitions previously for the Glen Meadows Addition for sewer, water and drainage improvements.
- 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 subject to revisions.
- D. The plat's text needs to reference the street, drainage and utility easement and the drainage and utility easements. The spelling of "stormwater" needs to be corrected.
- E. Traffic Engineering has approved the access controls. The plat proposes complete access control along the east line of Lots 15 and 16, Block 1.
- F. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- G. The applicant shall guarantee the paving of the private street (Reserve A) to a public street paving standard. As private improvements, such guarantee shall not be provided through the use of a petition.
- H. A restrictive covenant shall be submitted regarding the private street (Reserve A), which sets forth ownership and maintenance responsibilities.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

- J. 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.
- K. 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.
- L. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- M. GIS has approved the street name “Veranda Circle”.
- 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 disk (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 disk. If a disk 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.

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

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2013-00043: City request to vacate a platted utility easement on property.

OWNER/AGENT: Marvin Edgington (representative/owner), Poe & Associates, c/o Tim Austin (agent)

LEGAL DESCRIPTION: Generally described as vacating the platted north to south 20-foot wide utility easement located approximately in the middle of Lot 1, Aero Capital Addition & Lot 1, Edgington Addition, Sedgwick County, Kansas.

LOCATION: Generally located on the southwest corner of 2nd Street and West Street (WCC #VI)

REASON FOR REQUEST: Associated with future development

CURRENT ZONING: The site, abutting southern and adjacent northern and eastern properties are zoned LC Limited Commercial (“LC”) and GC General Commercial (“GC”). Adjacent western properties are zoned Single-Family Residential (SF-5)

The applicant proposes to vacate the platted north to south 20-foot wide utility easement located approximately in the middle of Lot 1, Aero Capital Addition & Lot 1, Edgington Addition. There is a sewer line and manhole located in the platted easement. The applicant has an approved plan to relocate/abandon the sewer line and manhole, which also serves the abutting and adjacent southern properties; PPS 2177. There are no other utilities located in the easement. The Edgington Addition was recorded with the Register of Deeds December 29, 1977. The Aero Capital Addition was recorded with the Register of Deeds March 11, 1983.

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 utility easement.

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 November 27, 2013, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of the platted utility easement, 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 with a legal description of the vacated utility easement on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (2) 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 with a legal description of the vacated utility easement on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (2) 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.

B. JOHNSON moved, **MITCHELL** seconded the motion, and it carried (10-0).

3-2. VAC2013-00044: County request to vacate a platted utility easement on property.

OWNER/AGENT: Phatoumphone Sattratoune (owner)

LEGAL DESCRIPTION: Generally described as vacating the platted 5-foot wide utility easement running parallel to the north, side yard lot line of Lot 6, Block 4, Sunview Heights Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of 47th Street South, north of Sunview Avenue, west of K-15 and Clifton Avenue, on the west side of Cumberland Street. (BoCC #5)

REASON FOR REQUEST: Removed existing encroachment

CURRENT ZONING: The site and all abutting and adjacent properties zoned SF-5 Single-Family Residential (“SF-5”).

The applicant proposes to vacate the platted 5-foot wide utility easement running parallel to the north side yard lot line of Lot 6, Bloc 4, Sunview Heights Addition. The is an abutting 5-foot wide utility easement running parallel to the south side yard lot line of Lot 7, Bloc 4, Sunview Heights Addition. There are no utilities located in the referenced platted utility easements. The Sunview Heights Addition was recorded with the Register of Deeds April 24, 1952.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, 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 utility easement.

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 November 27, 2013, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of the platted utility easement, 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 with a legal description of the vacated utility easement on a Word document, via e-mail. This must be provided to Planning prior to the case going to Board of County Commissioners for final action.
- (2) 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 with a legal description of the vacated utility easement on a Word document, via e-mail. This must be provided to Planning prior to the case going to Board of County Commissioners for final action.
- (2) 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.

B. JOHNSON moved, **MITCHELL** seconded the motion, and it carried (10-0).

PUBLIC HEARINGS

- 4. **Case No.: CON2013-00035** - Fugate Enterprises (owner); Kaw Valley Greenhouses, Inc. (agent) request a City conditional use for a nursery and garden center in LC Limited Commercial zoning on property described as:

The North 160 feet of lot 1, Block 5, Farmington Square 2nd Addition to Wichita, Sedgwick County, Kansas.

CHAIRMAN KLAUSMEYER announced that the application had been withdrawn.

OTHER MATTERS/ADJOURNMENT

ACTIVATE WICHITA (ACT ICT) PRESENTATION

DAVE BARBER, SENIOR PLANNING STAFF presented the briefing.

The Metropolitan Area Planning Commission adjourned at 1:36 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