

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

February 20, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, February 20, 2014 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; Carol Neugent; Bill Ramsey and Debra Miller Stevens. Don Sherman, George Sherman and Chuck Warren were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jess McNeely, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the February 6, 2014 MAPC meeting minutes.

MOTION: To approve the February 6, 2014 meeting minutes, as amended.

DENNIS moved, **JOHNSON** seconded the motion, and it carried (6-0-5). **MCKAY, MITCHELL, NEUGENT, KLAUSMEYER** and **RAMSEY** – Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00002: One-Step Final Plat – GRUNDMEYER ADDITION AT THE MOORINGS,** located North of 45th Street North (extended), East of West Street (extended).

CHAIRMAN KLAUSMEYER announced that the item had been pulled from the agenda.

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- 2-2. **SUB2013-00045: Final Plat – CUMMINGS ESTATES ADDITION,** located north of 111th Street South, east of 231st Street West.

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

STAFF COMMENTS:

- A. Metropolitan Area Building and Construction Department has required lagoons for each lot along with individual soil profiles before permits are issued due to the varying nature of soils in the area. A memorandum has been obtained specifying approval.
- B. The site is currently located within the Sumner County Rural Water District No. 5. If available, Metropolitan Area Building and Construction Department has required rural water connection for the water supply due to dry water wells and poor water quality. The Rural Water District shall confirm that sufficient capacity exists to serve the lots in this plat.

- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Public Works has approved the drainage plan.
- 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. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- G. 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.
- H. 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.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- K. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- P. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disc. If a disc is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

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

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- 2-3. **SUB2013-00051: Final Plat – SOUTHERN SHORES ADDITION (formerly Westney 2nd Addition)**, located on the Northwest corner of 55th Street South and Seneca.

NOTE: This is a replat of the Westney Addition in addition to unplatted property. A portion of the site has been approved for a zone change (ZON2012-00022) from MF-29 Multi-family Residential, GO General Office and LC Limited Commercial to TF-3 Two-family Residential. The western portion of site has also been approved for a zone change (ZON2013-00018) from SF-5 Single-family Residential to TF-3 Two-family Residential.

This final plat is in conformance with the preliminary plat.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) and sewer (laterals) to serve all lots being platted.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes one street opening and one access opening along both 55th Street South and Seneca.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. The Applicant shall guarantee the paving of the proposed streets.

- G. Since Reserve D includes a swimming pool, a site plan shall be submitted with the final plat for review by MAPD. The site plan shall include the information indicated in the Subdivision Regulations. The design for the pool must be submitted to City Environmental Health for review prior to issuing a building permit for the pool.
- H. 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.
- I. 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.
- J. 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.
- K. GIS has approved the plat's street names.
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. The 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.
- 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. 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.

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

CHAIRMAN KLAUSMEYER announced that Commissioners have had ex parte communication on the item.

- 2-4. **SUB2014-00005: Preliminary Plat – HOOVER INDUSTRIAL PARK ADDITION,** located on the southeastern corner of K-96 Highway and Hoover Road.

NOTE: This unplatted site is located in the County adjoining Wichita's boundary. The applicant requests that this plat remain in the County and be annexed upon the extension of city services. The applicant has requested a zone change (ZON2013-00040) from SF-20 Single-family Residential to LI Limited Industrial.

The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations only if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water (transmission) is available to serve the site and is subject to transmission in-lieu-of-assessments. The applicant needs to extend water (distribution) to serve all lots. Sanitary sewer is not available. A petition is needed to guarantee extension of sewer (main and lateral). The applicant must agree to an additional 50-foot utility easement for a future raw water line. The petitions will include language that consent to annexation would occur when the petition is activated to extend service.
- B. On the final plat, the plattor's text shall include language that the utility easements are hereby granted as indicated for the construction and maintenance of all public utilities.
- C. On the final plat, the plattor's text shall include language that the drainage and utility easement is hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities.
- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- E. County Public Works has received the drainage concept as requested. City Stormwater Management is in agreement with the proposed drainage concept. The landowner will need to obtain an agreement from KDOT to pump their site's runoff to State right-of-way. Additional detail will need to be provided with the drainage plan with regards to the site's downstream runoff patterns. Additional downstream drainage improvements may need to occur to support the pumped runoff from the proposed detention facility.
- F. County Surveying advises that in the legal description "Township 26" needs removed.
- G. The plat proposes two street openings along Hoover and complete access control along the remaining street frontage. County Public Works requests complete access control along the westerly 75 feet of both 39th and 41st Streets North. The final plat shall reference the dedication of access controls in the plattor's text.
- H. On the final plat, the plattor's text shall note the dedication of the streets to and for the use of the public.
- I. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- J. 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.

- K. The final plat shall state in the plattor's text the purposes of the proposed reserves as well as the ownership and maintenance responsibilities.
- L. 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.
- M. 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.
- N. 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.
- O. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- P. 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.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. 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.
- S. 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.
- T. 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.

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

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

W. 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).

STRAHL explained that at the Subdivision Meeting two members were present and **COMMISSIONER FOSTER** had concerns about the two billboards located within the two reserves approximately 400 feet apart. He said **COMMISSIONER FOSTER'S** objections were based upon the fact that the billboards are along a principal entrance to the City of Wichita abutting K-96 on the north property line and are not consistent with the adopted Wichita-Sedgwick County Comprehensive Plan. He said the vote was (1-1) which was deemed a denial of the preliminary plat. He said the applicant was present to appeal the denial. He said if the denial is overturned; the item will need to go back to the Subdivision Committee for review of the final plat.

FOSTER referred to Items L. and M. of the Staff Report and asked if the applicant intends to establish a lot owners association for maintenance of the reserves.

STRAHL indicated that was usually the case; however, he said he would let the applicant confirm that.

RUSS EWY, BAUGHMAN COMPANY, AGENT FOR THE APPLICANT said he was present to address any questions. He said the reason this item is before the Planning Commission today is a quirk of the voting requirements of the Subdivision Committee. He said provisions for maintenance of the proposed reserves will be the standard procedure they do with every plat. He said there will be a lot association for maintenance of the two reserves. He said if the reserves are designated for any public purpose such as drainage, they would file a restrictive covenant that would allow the appropriate jurisdiction access to the reserves for maintenance purposes.

MCKAY asked if the applicant was in agreement with staff comments.

EWY indicated yes.

B. JOHNSON asked if the plat could be denied because of the billboards.

ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR said the Subdivision Regulations apply to the plat and compliance with the Comprehensive Plan and Sign Code is also needed. He said the Commission may be subject to a lawsuit if they denied a plat that met the Subdivision requirements because there is very little discretion in application of those Regulations; however, he added that the Comprehensive Plan is a subjective document in terms of planning. He said if the Commission determines that the plat is inconsistent with the Comprehensive Plan that could be grounds for denial.

B. JOHNSON asked staff if the plat met all the requirements.

STRAHL said the plat meets the requirements of the Subdivision Regulations.

DENNIS asked if having billboards 300 feet apart complied with regulations.

KELLY DIXON, METROPOLITAN AREA BUILDING AND CONSTRUCTION DEPARTMENT, COUNTY SIGN CODE ADMINISTRATOR said County Sign Code Regulations require a minimum distance of 500 feet between billboards.

PARNACOTT noted that the applicant could apply for a variance of that requirement.

MOTION: To approve subject to staff recommendation.

MITCHELL moved, **J. JOHNSON** seconded the motion.

MCKAY asked for clarification that the motion was with the signs at 300 feet.

MILLER explained that the plat could be approved with the signs as they are now located; however, the applicant cannot obtain a building permit without obtaining the variance.

FOSTER requested further discussion and said the purpose of bringing this matter up was not to slow the process. He said the purpose is to raise the question as to whether the Commission is going to follow the Comprehensive Plan as a guiding document which he feels is particularly critical right now since the Plan is currently being updated. He mentioned a workshop he attended and a panel discussion concerning community aesthetics where the speaker indicated problems all happen at the planning and design stages. He mentioned a number of billboards in the area which are located across from a major 38-acre park. He said the billboards are also ½ mile from a secondary gateway to the City identified in the Comprehensive Plan. He said he believes this brings up a broader question relative to the aesthetics of the community.

SUBSTITUTE MOTION: To deny the plat.

Foster moved.

The **SUBSTITUTE MOTION** died due to lack of a second.

The **ORIGINAL MOTION** carried (10-1). **FOSTER** – No.

2-5. SUB2014-00004: One-Step Final Plat – YODER AIRPORT 4TH ADDITION,
located on the north side of 23rd Street North, west of 247th Street West.

NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Garden Plain Area of Influence. A Conditional Use (CON2013-00028) was approved for the expansion of a private airstrip. Neither water nor sewer services will be needed to serve the site.

STAFF COMMENTS:

- A. County Public Works has approved the applicant's drainage plan.
- B. The plat denotes one opening along 23rd Street South. County Public Works has advised that the one opening on 23rd Street South shall be in accordance with the County's access management regulations.
- C. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- D. 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.
- E. 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.
- 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. 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.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- K. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- P. A compact 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.

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

2-6. SUB2014-00003: One-Step Final Plat – 47TH AND WEBB ADDITION, located on the west side of Webb Road, south of 47th Street South.

NOTE: This is unplatted property located in the County within three miles of the City of Wichita. It is in an area designated as "Wichita 2030 Urban Growth Area" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Derby Area of Influence. A conditional use (CON2013-00027) has been approved for a Major Utility.

STAFF COMMENTS:

- A. Neither water nor sewer services will be needed 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. County Public Works has approved the drainage plan. The applicant advises that a Notice of Intent from the state is needed and a stormwater permit.

- D. County Public Works has approved the access controls. The plat denotes one opening along Webb Road.
- E. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- F. 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.)
- G. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- H. 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.
- I. 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.
- J. 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.
- K. Perimeter closure computations shall be submitted with the final plat tracing.
- L. Westar Energy has no request for additional easements at this time but reserves the right to ask for any by separate instrument if necessary during the design phase. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- M. 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.

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

2-7. **SUB2014-00006: One-Step Final Plat – BERKELEY SQUARE SECOND ADDITION**, located west of Greenwich, north of 13th Street North.

NOTE: This is a replat of portions of the Home Bank and Trust Company Addition, the Berkeley Square First Addition in addition to unplatted property. The site has been approved for a zone change (ZON2007-00014) from SF-5 Single-family Residential and LC Limited Commercial to LI Limited Industrial.

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 drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes one street opening along Greenwich and access control along 13th Street “per access management standards”.
- E. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations for Lot 1, Block 1. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee has recommended a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- 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 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 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.

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

3. PUBLIC HEARING – VACATION ITEMS

- 3-1. VAC2014-00001: City request to vacate a portion of platted access control,**
generally located midway between 135th Street and 119th Street West on the south side of 21st Street North.

APPLICANT/OWNER: Kimberly D. Fielding (applicant/owner)

LEGAL DESCRIPTION: Generally described as vacating that portion of platted access control located along the north lot line of Lot 1. Block A, Greiffenstein Square Addition, to allow an additional drive onto 21st Street North, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between 119th & 135th Streets West, on the south side of 21st Street North (WCC #V)

REASON FOR REQUEST: An additional drive to allow school busses to drop off and pick up students on the site

CURRENT ZONING: The site is zoned GO General Office. Abutting and adjacent eastern and northern properties are zoned SF-5 Single-Family Residential. Abutting and adjacent southern, western and northern properties are zoned SF-20 Single-Family Residential.

The applicant proposes to vacate the west 24-30 feet of the platted access control located along the north lot line of Lot 1, Block A, Greiffenstein Square Addition to provide an additional drive onto 21st Street North. The additional drive will allow school busses to circulate off of and onto 21st Street from the subject site. Currently the permitted one drive onto the site restricts efficient and safe circulation off of and onto 21st Street from the subject site. School busses currently drop off and pick up students while parked on 21st Street. The additional drive will allow school busses to drop off and pick up students from the site. 21st Street North is a paved two-lane arterial at this location.

The proposed drive will be located approximately 200 feet from the existing and permitted east drive onto the site. North, across 21st Street, are private drives located approximately 420 feet east and 360 feet west of the proposed drive. These drives are located on, large unplatted tracts mostly located within FEMA Floodway and Flood Zone. Neither of these drives line up with the site's existing or proposed drives. The nearest public street is located approximately 630 feet east of the proposed drive. A bridge over the Cowskin Creek is located approximately 550 feet west of the site. The current Subdivision standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC.

The applicant's site plan shows a proposed private project for stormwater drainage where the existing and proposed drives cross over the bar ditch separating the site from 21st Street. Water and sewer are located in the 21st Street right-of-way. The drive will also cross through the portion of Reserve A that runs parallel to 21st. Currently the plat's text for Reserve A allows one drive through Reserve A. The Greiffenstein Square Addition was recorded with the Register of Deeds August 2, 2011.

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 platted complete access control and vacate the plat's text to allow another drive.

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 30, 2014, 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 access control and vacating the plat's text to allow another drive, 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) Per the approval of the Traffic Engineer, vacate the west portion of the platted access control along Lot 1's (Block A, Greiffenstein Square Addition) 21st Street North frontage to allow one, additional drive. The drive will not be located within Reserve A, Greiffenstein Square Addition. Provide Planning Staff with a legal description of the approved vacated portion of the complete access control 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) Amend the plattors' text to allow two drives through Reserve A; current text allows one drive through Reserve A.
- (3) Provide a covenant agreeing to provide cross lot access if necessary, upon the development of the abutting western property. This must be provided to Planning prior to the case going to Council for final action for filing with the Vacation Order at the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any approved plans as approved by the utilities. This must be provided to Planning 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, including:
 - (a) the construction of the new drive from the site onto 21st Street North. Provide Public Works/Stormwater with a guarantee (approved project/plans) to ensure that these and any other associated improvements will be made. If the drives are not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.
- (6) 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) Per the approval of the Traffic Engineer, vacate the west portion of the platted access control along Lot 1's (Block A, Greiffenstein Square Addition) 21st Street North frontage to allow one, additional drive. The drive will not be located within Reserve A, Greiffenstein Square Addition. Provide Planning Staff with a legal description of the approved vacated portion of the complete

access control 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) Amend the plattors' text to allow two drives through Reserve A; current text allows one drive through Reserve A.
- (3) Provide a covenant agreeing to provide cross lot access if necessary, upon the development of the abutting western property. This must be provided to Planning prior to the case going to Council for final action for filing with the Vacation Order at the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any approved plans as approved by the utilities. This must be provided to Planning 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, including:
 - (a) the construction of the new drive from the site onto 21st Street North. Provide Public Works/Stormwater with a guarantee (approved project/plans) to ensure that these and any other associated improvements will be made. If the drives are not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.
- (6) 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, **GOOLSBY** seconded the motion, and it carried (11-0).

-
- 3-2. **VAC2014-00002: City request to vacate a platted sanitary sewer easement and a platted setback,** generally located south of 33rd Street North, west of Amidon Avenue on the west side of Clarence Circle.

OWNER/APPLICANT: David A. & Heather M. Smith (owner/applicant)

LEGAL DESCRIPTION: Generally described as vacating the platted 29-foot (south end) – 25-foot wide sanitary sewer easement and the platted rear yard setback located within it, all located along the rear lot line of Lot 1, Ladene Addition, Sedgwick County, Kansas.

LOCATION: Generally located south of 33rd Street North, west of Amidon Avenue, on the west side of North Clarence Circle (3339 N Clarence Circle - WCC #VI)

REASON FOR REQUEST: No public utilities located in easement

CURRENT ZONING: The site and the abutting and adjacent southern, northern and eastern properties are zoned SF-5 Single-Family Residential (SF-5). An unimproved and dead end portion of Meridian Avenue abuts the west side of the site.

The applicants propose to vacate the platted 29-foot (south end) – 25-foot wide sanitary sewer easement and the platted rear yard setback (same dimensions) located within it, all located along the rear lot line of Lot 1, Ladene Addition. An unimproved and dead end portion of Meridian Avenue abuts the west side of the site. This portion of Meridian separates the site from the Wichita-Valley Center Floodway (Big Ditch), Chisholm Creek Diversion. There is a sewer line and manhole located in the area where the subject easement intersects with a north – south platted 10-foot wide utility easement that runs parallel with Lot 1's south portion of its west lot line. Utility poles and public water are located in the Clarence Circle public right-of-way. Comments from other franchised utilities have not been received and are needed to determine if they have utilities located within the area of the vacation. The Ladene Addition was recorded with the Register of Deeds August 26, 1975.

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 platted sanitary sewer easement and the platted rear yard setback.

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 30, 2014, 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 sanitary sewer easement and the platted rear yard 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) Per the determination by Public Works, retain the south 10-feet of the platted sanitary sewer easement where it intersects with the north – south platted 10-foot wide utility easement that runs parallel with Lot 1's south portion of its west lot line.
- (2) Abandonment or relocation/reconstruction of any/all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant.

- (3) Provide any needed easements for relocated utilities, prior to this case going to City Council for final action.
- (4) 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.
- (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) Per the determination by Public Works, retain the south 10-feet of the platted sanitary sewer easement where it intersects with the north – south platted 10-foot wide utility easement that runs parallel with Lot 1’s south portion of its west lot line.
- (2) Abandonment or relocation/reconstruction of any/all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant.
- (3) Provide any needed easements for relocated utilities, prior to this case going to City Council for final action.
- (4) 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.
- (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.

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

PUBLIC HEARINGS

4. **Case No.: CUP2014-00001** - Kensington Gardens, LLC (William L. Cozine) and North Greenwich Properties, LLC (Steve Wheeler) / The Seitz Group (R. Eric Seitz) and Carlos L. Cabre, P. E. request a City CUP Amendment to CUP DP-328, K-96 and Greenwich South on property described as:

Reserve A, Kensington Gardens Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The application area is 17.763 acres located at the southeast corner of Highway K-96 and North Greenwich Road that, in November 2012, was approved for LI Limited Industrial (LI) zoning subject to the K-96 & Greenwich South Community Unit Plan (CUP) DP-328 and to platting within one year. At the time this report was prepared, a plat to perfect the LI zoning and DP-328 had not been completed; however, a plat (SUB2013-00053, the Wichita Crossing Addition, is scheduled for Subdivision Consideration on February 27, 2014) has been submitted that would perfect the approved LI zoning. The current application proposes to amend DP-328 prior to it being perfected by a recorded plat.

The proposed CUP contains four parcels and two reserves. The parcels range in size from 10.785 acres to 1.421 acres. The reserves contain .534 acre and .825 acre. The four parcels are proposed to allow 10 buildings, 30 percent maximum gross building coverage and up to 60 feet in building height. Proposed uses permitted are: all uses permitted by-right within the LI district, except for “correctional facility,” “correctional placement residences (general and limited),” “pawn shop” and “sexually oriented business in the City.” Uses in the two reserves are to be finalized at the time of final platting; however, the CUP proposes to allow signage within the reserves. The CUP also proposes standard architectural controls, and minimum code required landscaping, parking and lighting. Screening that is consistent with the code is proposed, except that screening is to be waived where the site abuts SF-5 zoned land that is proposed to be used for a cemetery. Signage along Greenwich is to be monument, pylon or pole type. Maximum sign area is proposed to be 1,515 square feet. Setbacks are: north 35 feet; east 10 feet; east 0 feet, except there is to be a platted 20-foot utility easement that will not allow a building; south 20 feet and west 35 feet. (Setbacks do not appear to be labeled or dimensioned on the draft CUP drawing. The final CUP shall label and dimension all setbacks.) Twenty feet of additional right-of-way is shown for north-bound North Greenwich Road.

Unless modified by specific conditions of approval, CUP setbacks are established by Unified Zoning Code Section III-C.2(2)(a)1) all main buildings or structures shall be setback 35 feet from all street right-of-way lines or alleys; 2) where the proposed development abuts a residential district, all buildings shall be set back at least 35 feet from such district line and 3) there shall be a rear yard, alley, service drive or combination thereof with a depth of at least 30 feet. The previously approved CUP was approved with setback modifications similar that proposed or agreed to with respect to the preliminary plat.

The applicant’s conceptual site plan depicts a four-story hotel located on Parcel 2 (shown as Lot 2, 2.0 acres), the easternmost parcel within the proposed CUP. In Reserve B, a stormwater detention pond is to be located south of the proposed hotel. East of the proposed hotel, in Parcel 1 (shown as Lot 1, 12.3 acres) is to be the largest building within the CUP that is to house the anchor tenant, a junior tenant and additional shops. Parcel 1 also contains a very large parking field and the property’s entrance from North Greenwich Road. A second drainage retention pond (Reserve A, .534 acres) is to be located in the extreme northwest corner of the site. South of Reserve A is Parcel 3 (labeled as Lot 3, 1.4 acres) that

is proposed to house additional shops. In the southwest corner of the site is Parcel 4 (labeled as Lot 4, 1.4 acres) that is proposed to house additional square-footage for shops.

The CUP that was approved in November of 2012 by case number CUP2013-00026 contained six parcels. Uses permitted in the 2012 CUP included: all uses permitted within the LI district, except for “correctional facility,” “correctional placement residences (general and limited),” “pawn shop” and “sexually oriented business in the City.” The 2012 CUP also permitted 26 buildings; a maximum gross floor area of 30 percent; building height up to 60 feet; architectural compatibility requirements; building setbacks vary from 35 to zero feet; parking, landscaping and lighting per code. Screening was proposed to be per code, except that screening is waived where the site abuts SF-5 zoned land that is proposed to be used for a cemetery. Signage was proposed to be monument, pylon or pole type with a total permitted sign area of 2,543 square feet.

Immediately west of the application area is North Greenwich Road. At this location North Greenwich Road is a five and six-lane roadway with a raised median controlling left turns. An exit ramp from K-96 Highway intersects with North Greenwich Road opposite the subject property. The driveway to the subject property is located so that it lines up with the K-96 Highway exit ramp. Land west of North Greenwich Road is zoned LI, subject to CUP DP-234, and is platted as various additions to the City of Wichita. Much of the land west of North Greenwich Road is developed with a variety of commercial uses: hotel, restaurant, retail sales and undeveloped parcels. Land located south of the subject property is zoned LC Limited Commercial (LC) and SF-5 Single-family Residential (SF-5), subject to a “conditional use” that permits a cemetery. The properties located south of the application area are platted as various additions to the City of Wichita and are developed with a tire and battery store, strip retail/office uses, a cemetery and some undeveloped lots. Immediately north of the application area is K-96 Highway, a divided four-lane roadway with limited access. Beyond K-96 Highway, east of North Greenwich Road is 105 acres that are currently zoned SF-5, but have been approved for LI zoning, subject to platting. A plat for the property north of K-96 Highway, the K-96 and Greenwich North Addition, was recorded on January 7, 2014, which allows the approved LI zoning to be perfected. Northwest of the application area, beyond K-96 Highway, are platted properties that are zoned LI and which are developed with a variety of light industrial, warehouse and commercial uses. East of the application area the land is zoned SF-5 and has a “conditional use” to permit a cemetery.

CASE HISTORY: On December 28, 1995, the MAPC approved a zone change (SCZ-0702) from R-1 Suburban Residential (today’s SF-20 Single-family Residential zoning district) to LC Limited Commercial (“LC”) for 7 acres, and a Conditional Use (CU-386) to permit a cemetery, crematorium, mausoleum and columbarium (68 acres) on property generally located south of Highway K-96 and north of East 21st Street, except for the approximately 25 acres located at or near the northeast corner of Greenwich and 21st Street. To perfect the zone change and Conditional Use for the cemetery, the 75-acre site was platted as the Kensington Gardens Addition (recorded on April 3, 1997). In 1998, the 75-acre site was annexed. On December 22, 2005, the Metropolitan Area Planning Commission (MAPC) approved, subject to replatting, additional LC Limited Commercial (“LC”) (ZON2005-00049) zoning subject to a Community Unit Plan (CUP2005-00063) for the northern 33.5 acres of the original 75-acre site. (The current application area was included in that application.) However, the 33.5 acres were not replatted; therefore, the additional LC zoning and CUP were never perfected. On October 18, 2012, the MAPC approved CUP2012-00026 and ZON2012-00026 that created CUP DP-328 and approved LI zoning on 17.76 acres subject to platting within one year.

ADJACENT ZONING AND LAND USE:

North: LI; undeveloped

South: LC and SF-5 with a “conditional use” to permit a cemetery; tire and battery store, vacant land, cemetery

East: SF-5 with a “conditional use” to permit a cemetery; cemetery

West: LI; hotel, retail sales and various light industrial, commercial and office uses

PUBLIC SERVICES: The site is served, or can be served, by normal municipal services. North Greenwich road is a median-divided five to six-lane paved arterial (including left-turn and deceleration lanes). Average daily vehicle traffic south-bound is 6,606 trips on North Greenwich Road. K-96 Highway west of North Greenwich Road carries an average daily traffic volume of 22,320 trips. Improvements are scheduled for the K-96 and Greenwich road intersection, and are scheduled to begin by July 2014.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “major institutional” uses. The “major institutional” category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical treatment facilities. The 2012 approval of LI zoning and the initial CUP DP-328 indicates that the “major institutional” category is no longer appropriate. The proposed CUP is consistent with uses and the development plan approved in 2012 by the planning commission and city council.

RECOMMENDATION: Based upon information available prior to the public hearing, it is recommended that the request to amend CUP DP-328 be approved, subject to platting the property within one year and the following conditions of approval:

- A. The site shall be developed and maintained in general conformance with the approved CUP.
- B. Dedication of additional right-of-way, drainage or utility easements or reserves shall be finalized at the time of replatting.
- C. A revised CUP drawing shall be submitted that changes the designation from lot numbers to parcel numbers. The revised CUP shall also show any other modifications required by the final plat or CUP approval processes to make the CUP drawing consistent with CUP conventions. The revised copies of the CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of final approval or the request shall be considered denied and closed.
- D. Building permits for any uses requiring LI zoning or permitted by DP-328 shall not be issued until the final plat has been recorded.
- E. General Provision 13 shall be amended to read: The transfer of the title on all or any portion of the land included in the CUP does not constitute a termination of the plan or any part thereof; said plan whether original, amended or administratively adjusted shall run with the land for commercial development and be binding upon the present owners, their successors and assigns ~~and amended~~. However, the director of the MAPD, with the concurrence of the zoning administrator may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan ~~without filing a formal ordinance amendment~~ an administrative adjustment.

- F. Prior to publishing the ordinance/resolution establishing the zone change, the applicant's shall record a document with the Register of Deeds indicating that this tract (referenced as DP-328) includes special conditions for development on this property.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties surrounding the application area are zoned SF-5, LC and LI. Surrounding property is used for cemetery, vehicle repair, hotel, light industrial, office or retail sales uses. West of North Greenwich Road, south of K-96 Highway there are approximately 38 acres of LI zoning; south of the LI zoning there are approximately 17 acres of LC zoning. All of the LI and the LC zoned properties located west of North Greenwich Road are subject to the Regency Lakes Commercial CUP DP-234 that permits all uses in the LI district except: adult entertainment, recreational vehicle campground, freight terminal, vehicle storage yard, gas and fuel storage and sales, storage of class-C fireworks, poultry or rabbit dressing, tire re-treading or recapping, grain storage and concrete or asphalt plant. On the east side of North Greenwich Road, south of the application area there are approximately 31 acres of LC zoning. There is also a large tract owned by property that is the subject of this application that is zoned SF-5 and has "conditional use" approval for a cemetery. North of K-96 Highway nearly two quarter-sections of land have been approved for LI zoning, subject to Protective Overlay #74. The site abuts K-96, a divided four-lane bypass highway. Access to K-96 Highway is scheduled to be improved this year with an interchange that will provide access in both directions. The application area is located in an area with significant commercial and light industrial development. With the completion of the K-96 Highway interchange, the significant acreage that is already approved for LI and LC district uses, and the mix of developed and undeveloped properties, the area's commercial and light industrial development is expected to continue.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned SF-5 with a "conditional use" to permit a cemetery, but has been approved for LI zoning and the original CUP DP-328, subject to platting within one year. The site's proximity to a K-96 interchange and the significant amount of commercial and industrial zoned land adjoining the application area makes the site's current SF-5 and "conditional use" for a cemetery zoning less suitable than the approved but not perfected LI zoning and the proposed CUP.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: As noted above, the site is approved for LI zoning. The current application does not modify that approval. The proposed CUP is consistent with the original unperfected CUP with respect to uses and development standards. In comparison to the originally approved but not perfected CUP, the proposed CUP generally only modifies the size and number of parcels. The development standards contained in the proposed application will not detrimentally impact nearby properties to any greater extent than those that have, or are permitted to, develop in the larger area.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will assist the prospective developer in his efforts to make the site work for his prospective users. Approval would also add additional choices to the marketplace. Denial would presumably represent a loss of economic opportunity to the applicant and the businesses expected to locate on the site.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “major institutional” uses. The “major institutional” category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical treatment facilities. The 2012 approval of LI zoning and the initial CUP DP-328 indicates that the “major institutional” category is no longer appropriate. The proposed CUP is consistent with uses and the development plan approved in 2012 by the planning commission and city council.
6. Impact of the proposed development on community facilities: The site is served by existing or can be served by planned facilities sufficient to accommodate expected uses.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

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5. **Case No.: CON2014-00001** - request a City Conditional Use to permit a 140-foot tall wireless communication facility on SF-5 Single-family Residential zoned property on property described as:

Lot 1, Dotzour’s Addition to Wichita, Sedgwick County, Kansas.

AND

The South 3 feet of the following described tract:
Beginning 637.5 feet East and 330 feet North of the Southwest corner of the Southeast Quarter of Section 13, Township 27, Range 1 West of the 6th P.M. Sedgwick County, Kansas; thence West 82.5 feet; thence North 330 feet; thence East 82.5 feet; thence South 330 feet to the beginning.

CHAIRMAN KLAUSMEYER announced that the item was deferred to the March 6, 2013 meeting.

J. JOHNSON asked what the Bylaws say about the number of Commissioners needed for a Subdivision Meeting.

MILLER said only one person is needed.

NON-PUBLIC HEARING ITEMS

The Metropolitan Area Planning Commission adjourned at 1:58 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 _____, 2014.

(SEAL)

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