

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Minutes

June 5, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 5, 2014 at 1:37 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; John McKay Jr.; M.S. Mitchell; Don Sherman and George Sherman. Joe Johnson; Carol Neugent; Bill Ramsey Debra Miller Stevens; and Chuck Warren were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. There were no minutes for approval.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **Item #2-1 SUB2014-00023: One-Step Final Plat – WESTGATE VILLAGE 3RD ADDITION**, located on the north side of 13th Street North, West of Maize.

Note: This is a replat of a portion of Westgate Village 2nd Addition.

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 needs to comment on the status of the applicant's drainage plan.
- (D) Traffic Engineering has approved the access controls. The plat proposes complete access control along 13th Street North and two openings along Westgate.
- (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) As the plat consists of a commercial lot abutting a non-arterial street, the Subdivision regulations require a sidewalk along Westgate.
- (G) Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.

- (H) For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- (I) The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- (J) The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- (K) The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- (L) Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- (M) The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- (N) The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- (O) Perimeter closure computations shall be submitted with the final plat tracing.
- (P) Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- (Q) A compact 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.

DENNIS moved, **G. SHERMAN** seconded the motion, and it carried (9-0).

- 2-2. **Item #2-2 SUB2014-00019: One-Step Final Plat – HORSCH TRAILER ADDITION**, located north of 71st Street South, on the west side of 183rd Street West.

NOTE: This is unplatted property located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. A conditional use (CON2013-00031) was approved for expansion of agricultural sales and service.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection.
- C. County Public Works advises the property to the north should be included on the drainage plan as part of a larger plan of development. The stormwater quantity analysis does not meet the requirements necessary to waive stormwater detention. In order to waive these requirements, a downstream analysis extending to a point where the subject property comprises 10% or less of the total drainage area must be performed and demonstrate that an unconstrained release would not negatively impact peak flows downstream from the development. The stormwater quality controls do not meet the minimum requirements of Sedgwick County as the design 50% TSS removal rate for filter strips does not alone meet the required 80% removal rate. Filter strips should receive inflow as sheet flow as opposed to concentrated flow as shown on the plan.
- D. The plat proposes one opening along 183rd Street West. The Subdivision Committee has approved the opening subject to it being located as far south as practical.
- E. Sedgwick County Fire Department advises that the service drive requirements will need to be met with this development. Appendix D of the 2012 IFC, section D102 addresses the requirements for fire access roads in commercial buildings.
- F. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width.
- 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 plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- K. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one 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).

NEIL STRAHL, Planning Staff presented the Staff Report. He reported that the Drainage Plan has been approved subsequent to the Subdivision Committee Meeting. He said Subdivision Committee members had an issue with access control and the location of the opening into the property. He said the applicant met after the Subdivision Meeting with County Public Works, who agreed to allow the applicant to locate the access on the south property approximately in the center of the frontage.

FOSTER said since the recommendation was revised and the Subdivision Committee had quite a bit of discussion on this item, he felt the entire Commission should hear the case. He explained that the original Staff Report disallowed any access and required cross lot access. He said the applicant installed a culvert and put in an opening prior to applying for the plat. He asked staff what was the required separation for arterial roads.

STRAHL responded per Subdivision Regulations, 660 feet in the County for a full movement opening and 330 feet for right turn only opening.

FOSTER commented that another issue on the case was that there is a manufactured home park across the road within 75 feet of the opening. He said he felt it was important that this not become standard practice for applicants to get the “cart before the horse” because this is a dangerous situation as large trailers will be moving in and out of the space and there are many openings nearby.

KRIS ROSE, BAUGHMAN COMPANY, P.A., 315 ELLIS, AGENT FOR THE APPLICANT clarified that the applicant obtained a field entrance permit on the property so he went through the proper procedure with the County and was unaware of the other issues associated with platting.

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

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

FOSTER asked for clarification because the Subdivision Committee’s recommendation was to move the opening as far south as possible on the property. He said County Public Works allowed the access that was already there.

KLAUSMEYER asked what was the difference in the distance from where the opening is located now.

ROSE reiterated that the applicant met with County Public Works staff and also discussed drainage issues, proximity of the opening to a power pole located further south and a “stop ahead” sign. He said it looked like the opening could only be moved about 50 feet so County staff determined that the design was appropriate to the present location. He said more than one issue was discussed at the meeting.

B. JOHNSON said it is set up so the applicant can stack trailers at an angle and back them up to the south lot line where there is an alley so they can pull out directly into the street.

The **MOTION** carried (9-0).

3. **PUBLIC HEARING – VACATION ITEMS**

- 3-1. **Item #3-1 VAC2014-00017: City request to vacate a portion of a platted easement on property**, generally located east of Broadway Avenue, on the north side of 21st Street North.

OWNER/AGENT: Perfekta, Inc., c/o Eric Diehl (owner) / Baughman Co., PA, c/o Phil Meyer (agent)

LEGAL DESCRIPTION: Generally described as vacating the north approximately 265.53 feet of the platted 10-foot wide utility easement running parallel to the north 265.53 feet of the west lot line of Lot 1, Hoy Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of Broadway Avenue, on the north side of 21st Street North

REASON FOR REQUEST: Future development

CURRENT ZONING: The site and all abutting and adjacent properties are zoned GI General Industrial.

The applicant proposes to vacate the north approximately 265.53 feet of the platted 10-foot wide utility easement running parallel to the north 265.53 feet of the west lot line of Lot 1, Hoy Addition. There are no utilities located within the described portion of the subject easement. NOTE: A sewer line and manhole are located in the south end of the platted easement (outside of the proposed vacation activity) and a utility easement dedicated by separate instrument; FLM 472 PG 733, recorded April, 15, 1981. The Hoy Addition was recorded with the Register of Deeds January 23, 1980.

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 utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 15, 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 utility, 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 a legal description of the vacated portion of the platted utility easement on a Word document via E-mail. This will be used on the Vacation Order and 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 a legal description of the vacated portion of the platted utility easement on a Word document via E-mail. This will be used on the Vacation Order and 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, **G. SHERMAN** seconded the motion, and it carried (9-0).

PUBLIC HEARINGS

4. **Case No.: ZON2014-00007** – Caleb and Charles Shroust (owners) request for a City zone change from SF-5 Single-family Residential to LC Limited Commercial on property described as:

Lot 10, Block B, Vilm Gardens 2nd Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The .5-acre application area is currently zoned SF-5 Single-Family Residential (SF-5), it has remained vacant since platting in 1953. The applicant also owns the LC Limited Commercial (LC) zoned lot east of the site, developed with a vehicle repair business in a metal building and a single-family residence. The applicant wishes to expand the existing vehicle repair business onto the application area and therefore requests a zone change to LC. Under LC zoning, the Unified Zoning Code (UZC) would permit the following land uses on this site by right (which are not permitted under the current SF-5 zoning): duplex, multi-family, assisted living, group residence, correctional placement residence, hospital, nursing facility, university or college, animal care, automated teller machine, bank or financial institution, broadcast/recording studio, construction sales and services, convenience store, farmers market, funeral home, hotel or motel, medical service, nurseries or garden centers, general office, commercial parking area, pawnshop, personal care service, personal improvement service, post office substation, limited printing and copying, indoor entertainment and recreation, restaurant, general retail, secondhand store, service station, limited vehicle repair, vocational school, agricultural research, agricultural sales and service. Under LC zoning, the UZC would require compatibility setbacks from SF-5 zoning, parking, screening and landscaping; these requirements will limit development on the site.

The UZC requires a 25-foot compatibility setback from SF-5 zoning to the north, it limits building height to 35 feet within 50 feet of SF-5 zoning, it limits light pole height to 15 feet within 200 feet of residential zoning, and it requires three parking spaces per 1,000 square feet for most commercial uses. The site was platted with a 30-foot front setback and an 8-foot easement along the west property line.

The two lots east of the application area, between the site and South Seneca, are zoned LC. Approval of this zone change request would result in contiguous LC zoning for three lots, or 450 linear feet, on the north side of West 43rd Street South. Property north of the site is zoned SF-5 and developed with a single-family house. South of the site, across 43rd Street South, is an SF-5 zoned legal non-conforming multi-family residence. East of the site is the applicant's LC zoned property, and west of the site is an MF-18 Multi-family Residential (MF-18) zoned neighborhood of single and multi-family residences.

CASE HISTORY: The site was platted as Lot 10, Block B of the Vilm Gardens 2nd Addition in 1953.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-------|---|
| NORTH: | SF-5 | Single-family residence |
| SOUTH: | SF-5 | Multi-family residences |
| EAST: | LC | Vehicle repair, single-family residence, warehouse/office |
| WEST: | MF-18 | Single and multi-family residences |

PUBLIC SERVICES: West 43rd Street South is a paved local street with a 60-foot right of way. South Seneca is an arterial located two lots to the east. All other public utilities are available.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan identifies the site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types, including multi-family units, typically found in large urban municipality. The *Land Use Guide* identifies property east of the site along Seneca as "local commercial." The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas. The application area is within the 2002 South Wichita/Haysville Area Plan. That plan recommends that the site remain low density residential. The plan also encourages the expansion of existing businesses.

RECOMMENDATION: Staff notes that this lot has remained vacant since platting in 1953, the requested zone change would extend contiguous LC zoning from the Seneca frontage to expand an existing business. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The two lots east of the application area, between the site and South Seneca, are zoned LC. Approval of this zone change request would result in contiguous LC zoning for three lots, or 450 linear feet, on the north side of West 43rd Street South. Property north of the site is zoned SF-5 and developed with a single-family house. South of the site, across 43rd Street South, is an SF-5 zoned legal non-

conforming multifamily residence. East of the site is the applicant's LC zoned property, and west of the site is an MF-18 zoned neighborhood of single and multi-family residences.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and could be developed with single-family residences. However, the site has remained vacant since platting, and existing commercial development bordering the site to the east may reduce the site's desirability for future single-family residential development.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Residential neighbors to the north, south and west could be impacted with increased noise, light, trash, traffic and activity from development under LC zoning. These impacts would not be new to the area as significant commercial zoning and development already exists in the immediate area. The compatibility standards of the UZC should mitigate these impacts on nearby residences.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan identifies the site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types, including multi-family units, typically found in large urban municipality. The *Land Use Guide* identifies property east of the site along Seneca as "local commercial." The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas. The application area is within the 2002 South Wichita/Haysville Area Plan. That plan recommends that the site remain low density residential. The plan also encourages the expansion of existing businesses.
- (5) **Impact of the proposed development on community facilities:** The proposed zone change would bring increased commercial traffic one lot further west on this portion of 43rd Street South. All other services are in place, any increased demand on community facilities can be handled by existing infrastructure.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

B. JOHNSON moved, **MCKAY** seconded the motion, and it carried (9-0).

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5. **Case No.: PUD2014-00001** - Fruition, LLC and Jason Wenzel Framing, Inc. (Jason Wenzel) / Greg Ferris Consulting (Greg Ferris) request creation of a new City PUD Planned Unit Development for "Outdoor and Indoor Recreation" on property described as:

The Southwest Quarter of the Northwest Quarter in Section 18, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas EXCEPT beginning 658.24' North of the Southwest

corner; thence East 290.4'; th. South 150 feet; thence West 290.4'; thence South to the beginning and EXCEPT that part platted as Mobile Manor South Addition and EXCEPT the North 97 feet of the West 209 feet thereof and EXCEPT that part deeded for street.

BACKGROUND: The application area is located 1,700 feet south of West MacArthur Road on the east side of South Meridian Avenue; is zoned SF-5 Single-family Residential (SF-5) and contains 14.74 acres. The property has recently been developed with a 100 by 120-foot (12,000 square feet) metal agricultural building. The applicants request approval of Planned Unit Development (PUD #42) 2014-00001 to permit: all uses permitted by right in the SF-5 district, "recreation and entertainment, indoor," "recreation and entertainment, outdoor," "event center in the City" and "auditorium or stadium." Verbally, the applicant's agent has indicated the applicant would probably not have more than three outside baseball/softball fields and one soccer field.

In an attached statement dated April 24, 2014, the applicant indicates he proposes to convert the 12,000 square-foot agricultural building to an "inside recreation facility for the local school athletes to use." The applicant further indicates that the proposed facility is not intended to compete with other athletic facilities, such as the nearby Southwest Boys Club facilities, whose main focus is league play. The proposed facility is intended to be a training facility. The proposed zoning (recreation and entertainment, indoor) would allow the conversion of the site's existing agricultural building to a year-round training facility. If the request is approved the applicant indicates the existing building would be converted immediately. Outdoor recreation and entertainment uses would be installed over the next few years.

Proposed maximum building coverage is 30 percent or 192,622 square feet; maximum floor area ratio is 50 percent; maximum gross floor area is 321,037 square feet and maximum building height is 35 feet.

The applicant's attached site plan depicts the location of the existing 100 by 120-foot building. The site plan also indicates the structure is located approximately 40 feet from the front property line located along South Meridian Avenue. The south side of the existing structure is located approximately 43 feet from the SF-5 zoned and single-family residential developed tract located to the south. (Code required side yard compatibility building setback from SF-5 zoned property is 25 feet for a property like the subject site that has approximately 418 feet of street frontage.) The PUD proposes the following building setbacks: front 20 feet; rear 15 feet and interior side yard of five feet. (In comparison, the SF-5 district requires the following building setbacks: front-25 feet; rear-20 feet, except that the rear setback may be reduced to five feet when abutting a platted reserve with a minimum width of 20 feet and an interior side-yard is six- feet.)

Currently the site has one point of access to South Meridian Avenue. The PUD proposes a second access point but does not indicate its location.

The applicant proposes one illuminated on-site ground or pole sign up to 200 square feet. Illuminated building signs that face Meridian, not exceeding 400 square feet or 20 percent of the building elevation are also proposed. Off-site or portable signage is to be prohibited.

An existing gravel parking area, approximately 100 feet by 60 feet is located on the north side of the existing agricultural building. The zoning code specifies the number of off-street parking spaces for each requested use: recreation and entertainment, indoor and outdoor-parking study; event center in the

City—is either one space per 45 square feet used for community assembly or if alcohol is involved, one space per two occupants and auditorium or stadium-.33 space per seat. Additionally, UZC Article IV, Section IV-A.2.b. stipulates that all parking areas other than single-family through four-family dwelling units shall be surfaces with concrete, asphaltic concrete, asphalt or other comparable surfacing material. The applicant has requested that gravel parking be allowed to remain until the property is platted, except that American with Disabilities Act required (ADA) parking would be paved. At present staff does not have enough information to calculate the correct number of required parking spaces for some of the uses; however, one parking layout of the existing 100 by 60-foot parking area yields a maximum of 17-18 8 by 18-foot spaces with 24-foot driving aisles and one ADA space.

If the property is used as an event center, it could potentially be rated to hold one person per seven square feet of space resulting in a permitted occupant load approaching 1,714 persons. At this point it is unknown what sewer services are available. Public sanitary sewer is located in South Bennett Circle located along the east property line (over 1,100 feet away). Public sanitary sewer is also located along part of the north property line, over 400 feet away, in the manufactured home park. Staff from the Environmental Services Division has advised the applicant he will need to have a third party conduct a soil profile study for the site if on-site services are being considered. It is doubtful an on-site sanitary sewer facility's capacity will be an economically feasible solution to accommodate that level of service demand for a single user to operate an event center. An occupancy load of 1,714 people will require additional man-door exits beyond the existing single man-door currently in place. Separate restroom facilities with multiple fixtures would also be required. If food and drink, other than vending machines, are also provided, the building will need to be sprinklered. If there is not any food or drink other than vending machines, the building would not likely be required to be sprinklered.

The applicant has also requested that the site not be required to plat until a building permit for a second separate structure is requested, not including batting cages, fencing and/or backstops.

The applicant proposes to leave the existing tree row located along the common property line with the single-family residential lot located to the south and arterial street screening between the indoor recreation structure/parking and Meridian is proposed to be per code.

North of the application area is an unplatted .34 acre tract that contains a single-family residence; a platted 58.16-acre manufactured home park (Mobile Home Manor) and a platted reserve that appears to contain a 3.44-acre sewage lagoon. East of the application area is the platted 48.63-acre Silver Spur/Twin Oaks manufactured home park. South of the site is an unplatted .83-acre tract containing a single-family home and an unplatted 19.39-acre tract used for farming or ranching. West of the subject site, across South Meridian Avenue, is a SF-20 Single-family Residential (SF-20) zoned horse stable and a farm or ranch with a residence.

Article IV, Section IV-B.4 of the UZC states that outdoor light sources, including base or pedestal, pole and fixture shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot. Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning districts.

The UZC (Article IV, Section IV-B.3.d.) requires screening along rear and side yards when nonresidential uses abut or are across an alley from residential zoning. In this instance the property abuts MH and SF-5 zoning on the north and south side yards. Thirty feet of half-street right-of-way separates the application areas rear property line from the manufactured home park located farther east and eliminates the screening requirement.

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines the requested uses as:

Recreation and Entertainment, Indoor means a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members that is wholly enclosed in a building. Typical uses include: bowling alleys, indoor heaters, bingo parlors, pool halls, billiards parlors, video game arcades, racquetball and handball courts and amusement rides. It does not include buildings typically accessory to a subdivision that are for use by the subdivision's residents and their guests or rodeo in the City.

Recreation and Entertainment, Outdoor means a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf facilities, tennis courts and amusement rides. It does not include golf courses, parks, open space and recreation facilities typically accessory to a subdivision that are for use by the subdivision's residents and their guest or rodeo in the City.

Event Center in the City means premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at time other than when an event is scheduled.

Auditorium or Stadium means an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

CASE HISTORY: The property was annexed in 1962 and was zoned SF-5.

ADJACENT ZONING AND LAND USE:

North: SF-5 and MH; single-family residential and manufactured home
South: SF-5; single-family residence, farm or ranch
East: MH; manufactured home park
West: SF-20; horse stable; residence and farm or ranch

PUBLIC SERVICES: North Meridian Avenue has 50 feet of half-street right of way along the frontage of the application area. There is 30 feet of contingent half-street right-of-way, South Bennett Circle, abutting the property's east property line. At the time of platting it is likely that 30 feet of right-of-way will be requested to complete South Bennett Circle. Public water is located on the west side of North Meridian Avenue and along the north property line (over 400 feet away). Public sanitary sewer is located in South Bennett Circle located along the east property line (over 1,100 feet away). Public sanitary sewer is also located along part of the north property line, over 400 feet away, in the manufactured home park. Staff from the Environmental Services Division has advised the applicant he

will need to have a third party conduct soil profile study for the site if on-site services are being considered.

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

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

- (1) Permitted uses are: “recreation and entertainment, indoor,” “recreation and entertainment, outdoor,” “auditorium or stadium,” “event center” as defined by the Wichita-Sedgwick County Unified Zoning Code or as modified below, and all uses permitted by right in the SF-5 Single-family Residential zoning district. “Recreation and entertainment, outdoor” and “recreation and entertainment, indoor” uses are limited to sports activities extra-curriculum activities typically associated with public school sports programs, such as: football, baseball, softball, soccer, track or tennis. Prior to the commencement of any “recreation and entertainment, outdoor” use or activity, the applicant shall submit a more detailed site plan that provides specific details of the activities, including the location and size of sports fields or other improvements associated with outdoor activities; the location, number and surface of parking spaces or lots; location and height of lighting standards; location, height and material used for fencing; location, number and material used for seating or bleachers; restroom facilities; etc. The existing building may be used for sports activities similar to extra-curriculum activities typically associated with public school sports programs, such as: football, baseball, softball, soccer, track or tennis provided all applicable building, fire or sanitation code requirements have been met and all applicable inspections, licenses or permits have been obtained, including change of occupancy. Use of the property for an event center, auditorium or stadium is prohibited until the property has been platted, and has obtained all applicable inspections, licenses or permits, including but not limited to change in occupancy, building, fire, and sanitation. Nightclub in the City is not permitted.
- (2) All applicable permits, licenses, inspections or change in use shall be obtained prior to use of the property for any PUD required uses other than SF-5 and agricultural permitted uses.
- (3) Currently the site has one access point, additional access points shall be determined at the time of platting unless the City’s Traffic Engineer approves additional access points prior to platting.
- (4) Non-single-family residential building setbacks shall be as follows: Meridian Avenue frontage-20 feet; South Bennett Circle frontage-50 feet and interior side yard-25 feet. Athletic field uses shall be located and conducted at least 50 feet from TF-3 or more restrictive zoning as measured at the closest point of the athletic field to the TF-3 or more restrictive zoning. SF-5 Single-family Residential district uses permitted by right shall follow SF-5 district standards.
- (5) Maximum non-residential building coverage is 30 percent or 192,622 square feet and maximum floor area ratio is 50 percent; maximum gross floor area is 321,037 square feet.
- (6) Maximum building height is 35 feet.

- (7) Signage shall comply with LC district standards except as follows. One illuminated on-site ground or pole sign up to 200 square feet is permitted. Maximum on-site ground or pole sign shall be 15 feet. Illuminated building signs that face Meridian, not exceeding 400 square feet or 20 percent of the building elevation are also proposed. No wall signs are permitted on the north, east or south facades except for small directional and regulatory signs allowed under Section 24.04.190. Off-site or portable signage is prohibited.
- (8) Gravel parking (as defined by Article II, Section II-B.1.p, All-Weather Surface) is permitted for outdoor recreational uses until the property is platted, except that American with Disabilities Act (ADA) required parking spaces are to be paved prior to commencing activities requiring such spaces. The parking surface for uses located within the existing building may be gravel until the property is platted.
- (9) The number of off-street parking spaces shall be provided per the UZC. For those uses requiring a parking study, the study shall be done within three months of final approval.
- (10) No string type of lighting or banners shall be permitted. Lighting of outdoor recreation and entertainment fields is permitted. Lighting of other facilities shall be per UZC standards.
- (11) The site shall be operated in compliance with the City's noise control ordinance.
- (12) The property shall be properly policed to ensure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.
- (13) The site shall be developed, maintained and operated in general conformance with the approved site plan.
- (14) If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that particular use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the application area is an unplatted .34 acre tract that contains a single-family residence; a platted 58.16-acre manufactured home park (Mobile Home Manor) and a platted reserve that appears to contain a 3.44-acre sewage lagoon. East of the application area is the platted 48.63-acre Silver Spur/Twin Oaks manufactured home park. South of the site is an unplatted .83-acre tract containing a single-family home and an unplatted 19.39-acre tract used for farming or ranching. West of the subject site, across South Meridian Avenue, is a SF-20 Single-family Residential (SF-20) zoned horse stable and a farm or ranch with a residence.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5 and developed with a 100 by 120-foot metal building. As currently zoned, the site could reasonably be expected to have economic value, and therefore, could be developed as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The conditions of approval and other code required development standards should minimize impact to nearby property.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide additional sports

training opportunities in southwestern Wichita. Denial would leave the applicant with a 100 by 120-foot metal building that can only be used for agricultural and SF-5 uses.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle school facilities, churches, playgrounds, parks and similar residential-serving uses may also be found in this category. Recreation activities portion of the request are consistent with the playground and park uses recommended by the Plan.
6. Impact of the proposed development on community facilities: The property owner will need to address the sanitary sewer solution. Existing facilities are in place to accommodate approved uses.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

B. JOHNSON moved, **MCKAY** seconded the motion, and it carried (9-0).

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6. **Case No.: CON2014-00018** - Michael Tracy (applicant) requests a County Conditional Use request for a temporary accessory apartment (for medical reasons) on SF-20 Single-family Residential zoned property.

CHAIRMAN KLAUSMEYER announced that they item has been deferred two weeks to the June 19, 2014 Planning Commission Meeting.

The Metropolitan Area Planning Commission adjourned at 1:43 p.m.

The Metropolitan Area Planning Commission reconvened at 1:44 p.m.

MOTION: To reopen the hearing on Item #2-2 SUB2014-00019: One-Step Final Plat – HORSCH TRAILER ADDITION.

MCKAY moved, **G. SHERMAN** seconded the motion, and it carried (9-0).

AMENDED MOTION: To accept the recommendation of the County Engineer’s Office with regard to the location of the opening onto the property, in addition to the other recommendations of the Subdivision Committee and staff recommendations.

MITCHELL moved, **B. JOHNSON** seconded, and the motion carried (9-0)

The Metropolitan Area Planning Commission adjourned at 1:46 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.

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

(SEAL)