

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

August 21, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 7, 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; Debra Miller Stevens; John McKay Jr.; Carol Neugent; and Bill Ramsey. M.S. Mitchell; 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; Robert Parnacott, Assistant County Counselor; Jeff Vanzandt, Assistant City Attorney, and Maryann Crockett, Recording Secretary.

1. There were no meeting minutes for approval.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00033: Final Plat – BERKELEY SQUARE 3RD ADDITION**, located on the north side of 13th Street North, on the west side of Greenwich Road.

NOTE: This is a replat of the Berkeley Square 1st Addition and the Berkeley Square 2nd Addition and includes the vacation of Berkeley Square Parkway.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that Lots 3, 4 and 5 need to extend sewer (lateral only). Existing special assessments will be spread on a square foot basis unless a respread agreement is filed.
- 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 requested the final drainage calculations be updated with the final site plan to ensure compliance with stormwater regulations. A 20-foot drainage easement is needed running north/south between Lots 4 and 5. The east/west water easement doesn't appear to be drawn to scale.
- D. Traffic Engineering has approved the access controls. The plat proposes one access opening along Greenwich, and three openings along 13th Street North. A cross-lot circulation agreement is needed.
- E. Provisions shall be made for ownership and maintenance of the proposed reserve. 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 reserve will be deeded to the association and who is to own and maintain the reserve prior to the association taking over those responsibilities.
- F. 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.

- G. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations for Lots 3 and 4. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends 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.
- H. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- I. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- 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, **J. JOHNSON** seconded the motion, and it carried (10-0).

3. PUBLIC HEARING – VACATION ITEMS

- 3-1. VAC2014-00023: County request to vacate a portion of platted access control on property,** generally located north of 71st Street North on the east side of 143rd Street East.

APPLICANT/AGENT: Crosswinds Aviation (owner) Abbott Land Survey, c/o Chad Abbott (agent)

LEGAL DESCRIPTION: Generally described as vacating a 60-foot wide portion of platted access control located on Lot 8, Block A, Downwind Estates Addition's 143rd Street East frontage and located 1,033 feet North of the Southeast Corner of Section 35, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

LOCATION: Generally located north of 71st Street South on the west side of 143rd Street East (BoCC #5)

REASON FOR REQUEST: Shift the existing drive onto 143rd Street East approximately 40-60 feet south

CURRENT ZONING: The site and all abutting adjacent properties are zoned RR Rural Residential ("RR").

The applicant proposes to shift an existing drive (platted permitted access for Lot 8, Block A, Downwind Estates Addition) onto 143rd Street East south approximately 40-60 feet. The proposed shift will leave approximately 620-600 feet of separation between the proposed drive and the nearest south drive; a 40-60 feet decrease. The proposed shift will leave approximately 500-520 feet of separation between the proposed drive and the nearest south drive; a 40-60 feet increase. The nearest drive across 143rd Street East will be located approximately 390-410 feet northeast of the proposed drive. 143rd Street East is a paved two-lane County section line road at this location. There is a drainage culvert that goes under 143rd Street East located in the vicinity of the proposed drive. Utility poles are located east

of the site, across 143rd Street East. The site is located in Sedgwick County Rural Water District. The Downwind Estates Addition was recorded with the Register of Deeds May 26, 2005.

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

- 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 July 31, 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 that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate that portion platted complete access control along the site's 143rd Street East frontage, as approved by County Public Works. 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. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Dedicate access control by separate instrument that reflects the reconfigured permitted access and closes the current existing drive. The dedication with original signatures must be provided to Planning prior to the case going to the BoCC for final action and subsequent recording with the Vacation Order at Register of Deeds of Sedgwick County.
- (3) As reviewed by Public Works, close off the existing drive on the subject site according to County Standards and at the applicant's expense.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (5) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto 143rd Street East. Provide Planning with any required and approved plan numbers for the construction of the drive onto 143rd Street east, prior to the case going to the BoCC 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) Vacate that portion platted complete access control along the site's 143rd Street East frontage, as approved by County Public Works. 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. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Dedicate access control by separate instrument that reflects the reconfigured permitted access and closes the current existing drive. The dedication with original signatures must be provided to Planning prior to the case going to the BoCC for final action and subsequent recording with the Vacation Order at Register of Deeds of Sedgwick County.
- (3) As reviewed by Public Works, close off the existing drive on the subject site according to County Standards and at the applicant's expense.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (5) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto 143rd Street East. Provide Planning with any required and approved plan numbers for the construction of the drive onto 143rd Street east, prior to the case going to the BoCC 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.

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

- 3-2. **VAC2014-00024: City request to vacate a portion of a platted front setback on property,** generally located midway between West Street and Meridian Avenue, south of Pawnee Avenue on the west side of Custer Avenue (2425 S Custer).

OWNER/AGENT: Mark J. Bauer (owner) Eaton Roofing & Exteriors, c/o Mark Eaton (agent)

LEGAL DESCRIPTION: The west 12 feet of the platted 60-foot front yard setback that runs parallel to the east lot line of Lot 23, Block 1, Wichita Builders 3rd Addition, and Custer Avenue, Wichita, Sedgwick County, Kansas

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

REASON FOR REQUEST: Building expansion

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

The applicant proposes to vacate the west 12 feet of the platted 60-foot front yard setback, on Lot 23, Block 1, Wichita Builders 3rd Addition. The subject lot is zoned LI Limited Industrial (LI). The Unified Zoning Code's (UZC) minimum front yard setback standard for the LI zoning district is 20 feet. If approved the result would be a 48-foot front yard setback. There are no platted easements in the described portion of the platted setback. There appears to be no public utilities within the described portion of the platted setback. The Wichita Builders 3rd Addition was recorded with the Register of Deeds January 9, 1973.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 31, 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 setback, and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the west 12 feet of the platted 60-foot front yard setback that runs parallel to the east lot line of Lot 23, Block 1, Wichita Builders 3rd Addition, Wichita, Sedgwick County, Kansas. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the west 12 feet of the platted 60-foot front yard setback that runs parallel to the east lot line of Lot 23, Block 1, Wichita Builders 3rd Addition, Wichita, Sedgwick County, Kansas. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

MCKAY moved, NEUGENT seconded the motion, and it carried (10-0).

3-3. **VAC2014-00025: City request to vacate a portion of a platted front setback on property,** generally located east of Ridge Road on the south side of 37th Street North.

OWNER/AGENT: Via Christi Property Services Inc, c/o Terri Alexander (owner)
Baughman Co., c/o Phil Meyer (agent)

LEGAL DESCRIPTION: The south 65 feet of the platted 100-foot front yard setback that runs parallel to the north lot line of Lot 1, Block A, Port North Addition, and 37th Street North, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Ridge Road on the south side of 37th Street North (WCC #V)

REASON FOR REQUEST: Future development

CURRENT ZONING: The subject property and abutting east and south properties are zoned GO General Office. The subject property has CUP DP-237 overlay. Abutting west property is zoned LC Limited Commercial. Adjacent north properties are zoned LC & SF-20 SF-Family Residential.

The applicant proposes to vacate the south 65 feet of the platted 100-foot front yard setback that runs parallel to the north lot line of Lot 1, Block A, Port North Addition, and 37th Street North. The subject lot is zoned GO General Office. The subject property has the CUP DP-237 overlay. The Unified Zoning Code's (UZC) minimum front yard setback standard for the GO zoning district is 20 feet. The UZC's minimum front setback for a CUP is 35 feet; the applicant's request does not go below the minimum standard for CUPs. There are no platted easements in the described portion of the platted setback. There appears to be no utilities within the described portion of the platted setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback. The Port North Addition was recorded with the Register of Deeds March 8, 2010.

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

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 31, 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 setback, and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the south 65 feet of the platted 100-foot front yard setback that runs parallel to the north lot line of Lot 1, Block A, Port North Addition, and 37th Street North. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the south 65 feet of the platted 100-foot front yard setback that runs parallel to the north lot line of Lot 1, Block A, Port North Addition, and 37th Street North. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.

(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

3-4. VAC2014-00026: City request to vacate a platted utility easement on property,
generally located on the northwest corner of Ohio Avenue and 29th Street North.

OWNER/AGENT: Scrap Leasing LLC, c/o David L. Murkin (owner) Baughman Co., c/o Phil Meyer (agent)

LEGAL DESCRIPTION: All of the platted 20-foot wide utility easement (except the portions of the utility easement that will remain around four sewer manholes) that runs parallel to the east lot lines of Lots 2 & 3, Block A, Burlington Northern Industrial Center Addition and Ohio Avenue, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of 29th Street North on the west side of Ohio Avenue (WCC #VI)

REASON FOR REQUEST: Future development

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

The applicant proposes to vacate all of the platted 20-foot wide utility easement (except the portions of the utility easement that will remain around four sewer manholes) that runs parallel to the east lot lines of Lots 2 & 3, Block A, Burlington Northern Industrial Center Addition and Ohio Avenue. Kansas Gas Service has a 16" high pressure gas main in the public & private right of way along Ohio Avenue: contact Pamela L Gunter, [Pamela.Gunter@onegas.com]. With the exception of the sewer manholes, there appears to be no public utilities within the described portion of the platted utility easement; sewer lines to the manholes are located in the Ohio Avenue right-of-way. The Burlington Northern Industrial Center Addition was recorded with the Register of Deeds October 17, 1984.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of the 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 July 31, 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 portions of the platted utility easement, and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) As approved by Public Works/Water and Sewer, retain 10-foot of utility easement on the north, west, and south sides around of four sewer manholes as measured from the center of those manholes, located long the east lot lines of Lots 2 & 3, Block A, Burlington Northern Industrial Center Addition and Ohio Avenue. Provide an exhibit of the above noted retained easement that will be filed with the Vacation Order at the Register of Deeds of Sedgwick County. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with any required plans (PPS) for review and approval for the relocation of public utilities. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approved PPS and approval by franchised utilities must be provided to Planning prior to the case going to Council for final action.
- (4) Provide any needed easements prior to the case going to Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As approved by Public Works/Water and Sewer, retain 10-foot of utility easement on the north, west, and south sides around of four sewer manholes as measured from the center of those manholes, located long the east lot lines of Lots 2 & 3, Block A, Burlington Northern Industrial Center Addition and Ohio Avenue. Provide an exhibit of the above noted retained easement that will be filed with the Vacation Order at the Register of Deeds of Sedgwick County. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with any required plans (PPS) for review and approval for the relocation of public utilities. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approved PPS and approval by franchised utilities must be provided to Planning prior to the case going to Council for final action.
- (4) Provide any needed easements prior to the case going to Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

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- 3-5. VAC2014-00027: City request to vacate a portion of a platted utility easement on property,** generally located midway between the Little and Big Arkansas Rivers, on the north side of 16th Street North, between Salina and Payne Avenues.

OWNER/AGENT: USD 259, c/o Shane Schumacher (owner) Baughman Co., PA, c/o Phil Meyer (agent)

LEGAL DESCRIPTION: The south 49 feet of the platted 179.20-foot long (x) 20-foot wide utility easement located on Lot 1, Block A, Woodland Elementary School Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between the Little and Big Arkansas Rivers, on the north side of 16th Street North, between Salina and Payne Avenues (WCC #VI)

REASON FOR REQUEST: Expansion of school building

CURRENT ZONING: The subject property and all abutting and adjacent properties are zoned TF-3 Two-Family Residential

The applicant proposes to vacate south 49 feet of the platted 179.20-foot long (x) 20-foot wide utility easement located on Lot 1, Block A, Woodland Elementary School Addition. A sewer line (flows south to north) and a manhole appears to be located within the described portion of the platted utility easement. This sewer line extends north thru the remaining platted utility easement and further north off of the USD 259 property into the abutting mostly single-family residential neighborhood. The Woodland Elementary School Addition was recorded with the Register of Deeds of Sedgwick County August 6, 2004.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted 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 July 31, 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 easement, and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with the required plans (PPS) for review and approval for the relocation/abandoning of the sewer line and manhole. Provide franchise utilities with any required plans for review and

approval for the relocation of franchise utilities. Approved PPS and approval by franchise utilities must be provided to Planning prior to the case going to Council for final action.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with the required plans (PPS) for review and approval for the relocation/abandoning of the sewer line and manhole. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approved PPS and approval by franchise utilities must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the

vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

PUBLIC HEARINGS

4. **Case No.: ZON2014-00010** - Caywood, LLC, c/o Jay Russell (applicant/owner) and Baughman Company, PA, c/o Russ Ewy request a City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential for duplex development on property described as:

Lots 14 through 30, inclusive, Block A, Lots 10 through 16, inclusive, Block B, and Lots 1 through 4, inclusive, Block C, all in Clifton Cove Addition, Sedgwick County, Kansas.

CHAIR KLAUSMEYER announced that the case had been deferred indefinitely.

5. **Case No.: ZON2014-00019 and CUP2014-00024** - Socora West, LLC (Attn: Lori Ward)/ Baughman Company, PA (Phil Meyer) request a County zone change from SF-20 Single-family Residential to LC Limited Commercial and County request to create commercial Community Unit Plan CUP DP-335 on property described as:

Lot 1, Block A, Countryside Pentecostal Holiness Church Addition to Wichita, Sedgwick County, Kansas.

AND

Lot 1, Block 1, Roberts and Morriss Addition to Wichita, Sedgwick County, Kansas.

CHAIR KLAUSMEYER announced that the case had been deferred until the October 9, 2014 Planning Commission Hearing.

NON-PUBLIC HEARING ITEMS

The Metropolitan Area Planning Commission adjourned at 1:38 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)