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**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION AGENDA**

**Thursday, September 11, 2014**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, September 11, 2014**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10<sup>th</sup> Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

**1. Election of Chair and Vice Chair**

**1a.** Approval of the prior MAPC meeting minutes:

*Meeting Date: August 7, 2014 and August 21, 2014*

**2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

**Items may be taken in one motion unless there are questions or comments.**

**2-1. SUB2013-00053: Final Plat – WICHITA CROSSING ADDITION**, located on the Southeast corner of K-96 Highway and Greenwich Road.

*Committee Action:       APPROVED 3-0*  
*Surveyor:               Alpha Land Surveys*  
*Acreage:                 17.51*  
*Total Lots:             4*

**2-2. SUB2014-00034: One-Step Final Plat – CHAPARRAL FIELD ADDITION**, located on the north side of 69th Street North, west of Meridian.

*Committee Action:       Approved 3-0*  
*Surveyor:               Baughman Company, P.A.*  
*Acreage:                 4.35*  
*Total Lots:             1*

**3. PUBLIC HEARING – VACATION ITEMS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

**Items may be taken in one motion unless there are questions or comments.**

*Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10<sup>th</sup> Floor, City Hall, 455 N. Main Street, Wichita, Kansas*

**3-1. VAC2014-00028: City vacation of an unused utility easement**, generally located southeast of Webb Road and Orme Street.

*Committee Action:       Approved 3-0*

**PUBLIC HEARINGS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

**4.** Case No.:               ZON2014-00021  
Request:                City zone change from GO General Office to LC Limited Commercial for a restaurant.  
General Location:     On the west side of Topeka Avenue and one lot north of 10th Street North (1109 N. Topeka Ave.).  
Presenting Planner:   Bill Longnecker

5. Case No.: ZON2014-00022 and CUP2014-00026  
 Request: City zone change from SF-5 Single-family Residential to LC Limited Commercial along with a CUP amendment to add a parcel to DP-308.  
 General Location: Between Gouverneur Street and Whittier Street and 500 feet south of Kellogg (602 and 608 S. Gouverneur St. and 601 and 607 S. Whittier St.  
 Presenting Planner: Jess McNeely
6. Case No.: ZON2014-00023  
 Request: City request to amend Protective Overlay PO #9 to allow vehicle sales on LC Limited Commercial zoned property.  
 General Location: 1/2-mile north of Pawnee Avenue on the east side of Seneca Street (1920 S. Seneca St.).  
 Presenting Planner: Bill Longnecker
7. Case No.: CUP2014-00025  
 Request: City Community Unit Plan Amendment to DP-286 The Foliage Center to add a GO General Office zoned parcel.  
 General Location: North of 13th Street North and west of North Webb Road (1555 N. Webb Rd.).  
 Presenting Planner: Dale Miller

**NON-PUBLIC HEARING ITEMS**

8. Case No.: Pedestrian Master Plan  
 Request: Review and recommend endorsement of the Pedestrian Master Plan  
 General Location: City Wide  
 Presenting Planner: Scott Wadle

**9. Other Matters/Adjournment**

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

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**

**Minutes**

**August 7, 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, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Don Klausmeyer, Chair; Matt Goolsby; Vice Chair; David Dennis; David Foster; Joe Johnson; George Sherman; Debra Miller Stevens; John McKay Jr.; M.S. Mitchell; Carol Neugent; Bill Ramsey and Chuck Warren. Bill Johnson and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Robert Parnacott, Assistant County Counselor; Jeff Vanzandt, Assistant City Attorney, and Maryann Crockett, Recording Secretary.

1. Approval of the July 24, 2014 MAPC meeting minutes.

**MOTION:** To approve the July 24, 2014 meeting minutes, as amended.

**DENNIS** moved, **MCKAY** seconded the motion, and it carried (10-0-2).  
**J. JOHNSON** and **G. SHERMAN** - Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **Item 2-1 - SUB2014-00027: One-Step Final Plat – COSTCO WHOLESALE ADDITION**, located on the northeast corner of Kellogg and Webb Road.

NOTE: This site is located in the County adjoining Wichita's boundary and annexation is required.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve the site.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the drainage plan subject to the detention pond being constructed within a drainage reserve.
- E. Provisions shall be made for ownership and maintenance of the proposed drainage reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities. 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.

- F. The plat proposes two access openings along Webb Road and two openings along Kellogg, including one contingent opening. Traffic Engineering has approved the access controls.
- G. County Surveying requests the final plat prior to submittal of the mylar. Send pdf to [probello@sedgwick.gov](mailto:probello@sedgwick.gov).
- 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. Westar Energy had requested a 15-foot utility easement along the entire south line of the plat to accommodate lines along Kellogg which have been denoted on the plat. The applicant has also included 10-foot and 20-foot utility easements along the north and east lines of the plat for power to be installed to serve Costco. LaDonna Vanderford is the Construction Service Representative and can be reached at 261-6490. Any removal or relocation of existing equipment made necessary by this plat 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](mailto:kwilson@wichita.gov)).
- Q. The Sidewalk Ordinance requires a sidewalk along the street frontage for any lots used for commercial purposes abutting a non-arterial street. Staff classifies Kellogg Drive as an arterial for purposes of the Sidewalk Ordinance.

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

**J. JOHNSON** moved, **NEUGENT** seconded the motion, and it carried (12-0).

- 2-2. **Item 2-2 - SUB2014-00028: One-Step Final Plat – LIFE CHURCH ADDITION,**  
located on the southeast corner of Central and 127th Street East.

NOTE: The site has been approved for a zone change (ZON2008-00021) from SF-5 Single-family Residential to LC Limited Commercial. This site is also contained within Parcels 8 and 9 of the Parker Addition Community Unit Plan (CUP2008-00015, DP-313).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water service is available to serve the site. Sanitary sewer (lateral) needs to be extended to serve all lots. Transmission and distribution in-lieu-of-assessment fees are due.
- 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 requests the final tracing submitted prior to City Council include a minimum pad elevation, drainage reserve, and drainage easement (Lot 2).
- D. The platlor's text references utility easements and drainage and utility easements which are not denoted on the face of the plat.
- E. In accordance with the CUP, guarantees are required for left-turn lanes and right turn/decel lanes to all full movement approaches.
- F. The plat proposes four openings along 127<sup>th</sup> Street East and complete access control along Central. Traffic Engineering has permitted the two northernmost openings which shall be defined in alignment with openings to the west in 127<sup>th</sup> Retail Addition. The two southernmost openings need to be located a minimum of 200 feet apart from adjoining openings. Dimensions are needed along all segments of access control. An approval letter from KDOT is needed for the opening along K-96 Highway.

- G. Traffic Engineering requests an additional 25-foot x 25-foot corner clip at the intersection in accordance with Access Management Regulations. The plat's text shall note the dedication of the streets to and for the use of the public.
- H. The Applicant needs to request a CUP adjustment as access controls and the CUP building setbacks need to coincide with the plat.
- I. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- J. GIS has requested abbreviations for the street types and directionals.
- K. The spelling should be corrected of the pipeline note regarding the Cooperative Refinery Corporation pipeline, and the word "herein".
- L. The recording data for the 25-foot pipeline easement shall be shown on the final plat or stated to be recorded by separate instrument. Said easement shall also state it is a pipeline easement in favor of current pipeline company, the company on the easement document.
- M. The plat's text should reference "lots and a block".
- 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](mailto:kwilson@wichita.gov)).

**STRAHL** mentioned the opening along K-96. He said the Subcommittee approved the plat subject to approval of that access opening by the Kansas Department of Transportation (KDOT). He said KDOT approval would be required prior to sending the plat to City Council. He said the agent informed staff that KDOT approval will take several months and requested that the provision for approval by KDOT occur at the time of development of the site so approval of the plat will not be held up. He said staff was okay with that provision as long as it was stated on the plat's text that KDOT approval was required. He said he subsequently contacted members of the Subcommittee who also agreed to the change. He said Item F of the Staff Report was modified to read that KDOT approval of the opening along K-96 would be required prior to development.

**TIM AUSTIN, KAW VALLEY ENGINEERING, AGENT FOR THE APPLICANT** said they are in agreement with the modifications as recommended by staff. He explained that approval from KDOT required a traffic study which will take some time.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendations as revised.

**J. JOHNSON** moved. **WARREN** seconded the motion, and it carried (12-0).

2-3. **Item 2-3 - SUB2014-00029: One-Step Final Plat – HIEPSON ESTATES ADDITION**, located north of 29th Street North, West of Hoover Road.

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

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that sewer services are available to serve the site. A No Protest Agreement for future water extension is needed.
- B. The applicant shall contact City of Wichita Environmental Health to find out what tests may be necessary and what standards are to be met for approval of on-site water. A memorandum shall be obtained specifying approval.
- C. The plat'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. City Stormwater Management has approved the applicant's drainage plan.
- F. The east right-of-way line should not be denoted as a bold line.
- G. Traffic Engineering has requested an additional 20-foot contingent dedication of street right-of-way along Eisenhower to be effective upon the development of properties to the east adjoining Eisenhower. The contingent dedication of right-of-way needs to be referenced in the plat's text.
- H. The Applicant shall provide a No Protest Agreement for the future paving of Eisenhower.
- I. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineer (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- J. 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. The signature block needs to specify whether the owners are single or married, since a married person needs to have the spouse's signature.
- L. The word "addition" needs to be added in the title block and plat's text (i.e. "an addition to Wichita, Sedgwick County, Kansas")
- M. 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. 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.
- N. Since existing tree rows along the west property line may be impacted by the installation of utilities, the Subdivision Committee requires a 30-foot utility easement be platted in order to allow for the installation of the utilities without damage to such tree rows.
- O. 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.)

- P. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Q. 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.
- R. 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.
- S. 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.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- V. 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](mailto:kwilson@wichita.gov)).

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

**J. JOHNSON** moved, **NEUGENT** seconded the motion, and it carried (12-0).

- 2-4. **Item 2-4 - SUB2014-00030: One-Step Final Plat – QUIK TRIP 16TH ADDITION,**  
located on the southwest corner of 47th Street South and Hydraulic.

NOTE: This is a replat of the Funston Addition. This site is also contained within the Funston CUP (DP-315).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sanitary sewer services are available to serve the site. A guarantee is needed for the removal and relocation of sanitary sewer (laterals). A temporary utility easement is needed for sanitary sewer in Lot 1.
- 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. The applicant proposes three openings along Hydraulic and one opening along 47<sup>th</sup> Street South. Traffic Engineering has approved the access controls subject to the north opening along Hydraulic restricted to rights-in/out movements. The applicant shall submit a guarantee for traffic improvements.
- E. In lieu of additional street right-of-way, Traffic Engineering has approved a 10-foot sidewalk and utility easement along the street frontages. The easement shall be referenced in the plat's text.
- F. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- G. 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.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance 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. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.

- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Westar Energy has requested that the sidewalk and utility easement be used only for franchised utilities. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

**FOSTER** asked about the landscaping requirements under the CUP and asked if they were unique to the case or was that staff policy.

**STRAHL** said he did not have the answer to that question.

**FOSTER** asked if the agent could answer his question.

**BRIAN LINDEBAK, MKEC ENGINEERING, AGENT FOR THE OWNER AND CONTRACT PURCHASER** said the issue would be discussed under Item 7 – CUP2014-00019 on the regular agenda.

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

**G. SHERMAN** moved, **RAMSEY** seconded the motion, and it carried (12-0).

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **Item 3-1 - VAC2014-00022: County request to vacate portions of multiple platted reserves on property,** generally located on the north side of Central Avenue and east of 127th Street East and K-96.

**CASE NUMBER:** VAC2014-00022 - Request to vacate portions of multiple platted reserves and change the plattor's text to amend the uses permitted in the platted reserves

**APPLICANT/AGENT:** Crestview Southern Village Homeowners Association Inc., c/o Marvis J. Lary, Sec., Robert V. McGrath, Treas., Dick Eckrich, President (owner) MKEC, c/o Brian Lindebak (agent)

**LEGAL DESCRIPTION:** The portions of and the plattor's text of Reserves A, a portion of C & D, the Crestview Country Club Estates Southern Village Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located on the north side of Central Avenue and east of 127th Street East and K-96 (BoCC #1)

**REASON FOR REQUEST:** A masonry wall

**CURRENT ZONING:** Subject property and abutting and adjacent west, east and south properties are zoned SF-5 Single-Family Residential (SF-5). Abutting north property is zoned SF-20 Single-Family Residential (SF-20).

The applicant is requesting consideration for the vacation of a portion and the plattor's text to amend the uses allowed within Reserve D, Crestview Country Club Estates Southern Village Addition. The agent had previously provided an attached May 6, 2014, letter that shows the owner of Reserve D, the Crestview Southern Village Homeowners Association (HOA), approving of the dedication of ... "a 25-foot easement in Reserve D," for a wall.

Per the plattor's text, the 15-foot wide east-west running Reserve D is platted for open space, a buffer zone and utility and drainage construction and maintenance. Reserve D is 10 feet smaller than the above referenced 25-foot easement; it appeared that vacation activity would also be occurring on Reserve A, which the HOA letter did not authorize.

Staff required another HOA letter authorizing vacation activity on Reserve A, B, C and D. The reason for including Reserves A, B and C, was the agent had including them in the application, without providing staff with written authorization from the HOA. The applicant provided a second attached July 30, 2014, letter, minutes before the July 30, SD meeting, which authorizes the vacation activity of in Reserves A, B, C and D.

Because of the additional reserves the ownership list provided by the applicant did not list the needed property owners. Rather than defer a hearing and recommendation from the Subdivision Committee, until a revised ownership was provided, the applicant (from the podium at the SD meeting) dropped the vacation activity on Reserve B and limited the vacation application to the concept of only that portion of Reserve A, C, and D. Staff agreed to allow the request to continue, with the stipulation that the agent provide a revised legal description of the vacation activity, which would allow Staff to make a determination on the need for or not of an expanded ownership list and possibly deferring a recommendation by the MAPC.

- Per the platlor's text all Reserves (A, B, C and D) are platted for utility and drainage construction and maintenance.
- Per Geoworks Reserve D has: six water lines running north from Central Avenue through portions of Reserve D & A into the south-north running Reserve C, and; stormwater has equipment running north-south through a portion of Reserve D, and; there appear to be hydrants located in portions of Reserve D or Reserve A. As noted, Reserve D is 15-foot wide and runs, east-west, parallel to Central Avenue (south) and Reserve A (north); to get the HOA's referenced 25-foot easement, an additional 10 feet of width would come out of Reserve A.
- Per the platlor's text Reserve A is platted for: private drives, fire lanes located in the private drives, parking areas and open space.
- Per the platlor's text all Reserves (A, B, C and D) are platted for utility and drainage construction and maintenance.
- Per Geoworks Reserve A has: six water lines run north from Central Avenue through portions of Reserve D & A into the south-north running Reserve C, and; stormwater has equipment running north-south through a portion of Reserve A, continuing through Reserve D, and; there appears to be hydrants located in portions of Reserves A or D. The east-west Reserve A runs parallel to Reserve D (south) with a varying width 30 feet, 64 feet and 84 feet. The difference in widths occurs on its north side, where it abuts Lots 3-17, odd, Lots 20 and 24, and Reserves C and B, all in the Crestview Country Club Estates Southern Village Addition.
- Per the platlor's text the north-south Reserve C is platted for private drives, fire lanes located in the private drives and recreational open space.
- Per the platlor's text all Reserves (A, B, C and D) are platted for utility and drainage construction and maintenance.
- Per Geoworks six water lines run north from Central Avenue through portions of Reserve D & A into the south-north running Reserve C. Reserve C is 40 feet wide on its south end where it abuts Reserve A. Its width varies from 77.71-110 feet on its north end where it abuts a golf course.

Becky Thompson is the Construction Services Representative for the Westar northeast area and can be contacted at (316) 261-6320. The Crestview Country Club Estates Southern Village Addition was recorded with the Register of Deeds August 28, 1972.

NOTE: Because the site is located in Sedgwick County, but within the City of Wichita's three-mile ring subdivision jurisdiction, consideration and recommendation by the Wichita City Council, and consideration and final action by the Sedgwick County Board of County Commissioners is required.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from both County/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 plattor's text to amend the uses allowed within the described platted reserves.

- 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 17, 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 reserves, 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) Vacation of any portion of Reserves A, C and D, Crestview Country Club Estates Southern Village Addition to allow a wall(s), must be approved by all utilities, fire, traffic and stormwater. Provide any needed plans for review.
- (2) Provide a revised legal description of the vacation activity on Reserves A, C and D, Crestview Country Club Estates Southern Village Addition, to determine if a revised ownership is needed. If a revised ownership is needed, this vacation request will be deferred for 2-4 weeks to allow for notification. This must be provided to Planning prior to the vacation case getting a recommendation by the MAPC, recommendation by the WCC, final action by the BoCC and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed dedicate a wall easement(s) by separate instrument(s). Provide an exhibit showing the location and size of the approve wall easements and the location of all utilities. The approved original dedication(s) and exhibit must be provided to Planning prior to the vacation case going to City Council and County Commission for recommendation and final action and subsequent recording 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 and at the expense of the applicant.
- (5) All improvements shall be according to City Standards.

- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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) Vacation of any portion of Reserves A, C and D, Crestview Country Club Estates Southern Village Addition to allow a wall(s), must be approved by all utilities, fire, traffic and stormwater. Provide any needed plans for review.
- (2) Provide a revised legal description of the vacation activity on Reserves A, C and D, Crestview Country Club Estates Southern Village Addition, to determine if a revised ownership is needed. If a revised ownership is needed, this vacation request will be deferred for 2-4 weeks to allow for notification. This must be provided to Planning prior to the vacation case getting a recommendation by the MAPC, recommendation by the WCC, final action by the BoCC and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed dedicate a wall easement(s) by separate instrument(s). Provide an exhibit showing the location and size of the approve wall easements and the location of all utilities. The approved original dedication(s) and exhibit must be provided to Planning prior to the vacation case going to City Council and County Commission for recommendation and final action and subsequent recording 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 and at the expense of the applicant.
- (5) All improvements shall be according to City Standards.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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.

**LONGNECKER** indicated the request needed to be modified because the applicant was only asking to vacate Reserve D which runs parallel and abuts Central Avenue. He said Reserve D is 15-foot wide and runs east/west and is set aside for open space, utility and drainage construction and maintenance. He said the purpose of the vacation is to allow a wall to be built between the residences of the subdivision and Central Avenue.

**FOSTER** asked if the notification issue had been cleared up.

**LONGNECKER** said there was sufficient notification and the necessary signatures to vacate Reserve D for the wall.

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

**DENNIS** moved, **FOSTER** seconded the motion, and it carried (12-0).

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### **PUBLIC HEARINGS**

4. **Case No.: ZON2014-00015** – Blake Byfield (owner) requests a City zone change from SF-5 Single-family Residential to MF-18 Multi-family Residential on property described as:

Lot 9, Groves Addition, Sedgwick County, Kansas.

**BACKGROUND:** The applicant requests MF-18 Multi-family Residential (MF-18) zoning on a vacant, platted lot. The .46-acre site is currently zoned SF-5 Single-Family Residential (SF-5) and is located on the west side of North Anna Street one lot north of West Central Avenue (708 N. Anna). In MF-18 zoning, the Unified Zoning Code (UZC) requires a minimum lot size of 3,000 square feet per dwelling unit for duplex development or 2,500 square feet per multi-family dwelling unit; the UZC requires a 50-foot lot width per duplex. The compatibility standards of the UZC would limit building height on this site to 35 feet and require 25-foot compatibility setbacks from SF-5 zoned lots abutting the site on three sides. Multi-family development on the site would trigger screening from abutting single-family uses and landscape requirements. The site is approximate 20,000 square feet with a 114-foot frontage along Anna Street; the lot was platted with a 30-foot front building setback. With these constraints, the site could accommodate up to two duplexes with a total of four dwelling units, or potentially up to eight multi-family dwelling units. The applicant indicates a desire to develop one or two duplex buildings.

The surrounding residential neighborhood is primarily zoned SF-5 and developed with single-family residences, numerous TF-3 and multi-family zoned lots exist within several blocks of the site. North of the site are primarily SF-5 zoned single-family residences with TF-3 zoned duplexes several blocks away. Immediately south of the site is an SF-5 zoned single-family residence fronting Central Avenue, with a mixture of LC Limited Commercial (LC) and GO General Office (GO) zoned non-residential uses along the Central corridor. East and west of the site are SF-5 zoned single-family residences with TF-3 zoned duplexes within several blocks.

**CASE HISTORY:** The site was platted as Lot 9 of the Groves Addition in 1951. Aerial photographs show a single-family residence on the site through 2008.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5, TF-3	Single-family residences, duplexes
SOUTH:	SF-5, LC, GO	Single-family residence, commercial uses, offices
EAST:	SF-5, TF-3	Single-family residences, duplexes
WEST:	SF-5, TF-3	Single-family residences, duplexes

**PUBLIC SERVICES:** Anna Street is a paved, two-lane local street at this location with an 80-foot right-of-way. All public services are available to the site.

**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 duplexes, typically found in large urban municipality. The UZC identifies MF-18 zoning as being generally compatible with the urban residential category. The Residential Locational Guidelines of the Comprehensive Plan state that medium-density residential use may serve as a transitional land use between low-density residential and commercial uses.

**RECOMMENDATION:** 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 surrounding residential neighborhood is primarily zoned SF-5 and developed with single-family residences, numerous TF-3 and multi-family zoned lots exist within several blocks of the site. North of the site are primarily SF-5 zoned single-family residences with TF-3 zoned duplexes several blocks away. Immediately south of the site is an SF-5 zoned single-family residence fronting Central Avenue, with a mixture of LC and GO zoned non-residential uses along the Central corridor. East and west of the site are SF-5 zoned single-family residences with TF-3 zoned duplexes within several blocks.
- (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 a single-family residence, similar to most surrounding properties. The site has remained vacant as zoned for a significant amount of time. The proximity of this lot to Central Avenue may reduce desirability for a single-family residence.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; duplexes are common within the surrounding blocks. Duplexes on the site could be better for the neighborhood than a vacant lot. The UZC screening and compatibility standards should mitigate any impact on surrounding properties.
- (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 duplexes, typically found in large urban municipality. The UZC identifies MF-18 zoning as being generally compatible with the urban residential category. The Residential Locational Guidelines of the Comprehensive Plan state that medium-density residential use may serve as a transitional land use between low-density residential and commercial uses.

- (5) **Impact of the proposed development on community facilities:** All services are in place, any increased demand on community facilities can be handled by existing infrastructure.

**JESS MCNEELY**, Planning Staff presented the Staff Report. He stated that staff has amended their recommendation to include a Protective Overlay that would limit site development to two duplexes and no multi-family dwellings which they felt would alleviate the District Advisory Board's concerns that there may be development of some type of multi-family structure on the site.

**KLAUSMEYER** asked for clarification that the DAB approved that amendment.

**MCNEELY** stated that the DAB recommended denial because the applicant was not present at the meeting and staff was not able to confirm that the applicant would be willing to add the PO.

**FOSTER** asked about Protest Petitions.

**MCNEELY** stated that no Protest Petitions had been filed on the case.

**MOTION:** To approve subject to staff recommendations as amended.

**J. JOHNSON** moved, **G. SHERMAN** seconded the motion, and it carried (12-0).

5. **Case No.: ZON2014-00017** – USD 259 (Shane Schumacher) / Baughman Company, P.A. (Phil Meyer) request a City zone change from MF-29 Multi-family Residential to GO General Office on property described as:

All of that part of Yike Avenue as dedicated in said Franklin Yike Addition, (said Yike Avenue now known as Irving Avenue), and now vacated in the Order of Vacation recorded in Deed Book 833, Page 187, TOGETHER with all that part of the unplatted portion of the Southwest Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, bounded on the north by Lincoln Street, on the west by Osage Avenue, and on the south and southeast by the following described line: Commencing at the southwest corner of said vacated Irving Ave., said southwest corner also being on the east line of Franklin Avenue, (said Franklin Avenue now known as Osage Avenue); thence southerly along the east line of said Franklin Avenue, now Osage Avenue, 230.00 feet; thence easterly perpendicular to the east line of said Franklin Avenue, now Osage Avenue, 246.00 feet; thence northeasterly with a deflection angle to the left of 44°53'13", 256.01 feet to a point on the southwesterly line of said Lincoln Street, and for a point of termination, TOGETHER with Lots 3, 4, 5, and 6, Block 1, Franklin Yike Addition to Wichita, Kansas, and that part of the alley as dedicated in said Franklin Yike Addition lying north of and abutting the north line of said Lots 3, 4, 5, and 6, and lying westerly of and abutting the southwest right-of-way line of said Lincoln Street, (said alley now vacated in the Order of Vacation recorded in Deed Book 833, Page 187), except that part of said Lot 3 and

that part of said alley described and conveyed to the City of Wichita, Kansas, a municipal corporation, in the Quit Claim Deed recorded in DOC.#/FLM-PG: 29390075 and more particularly described as follows: Commencing at the intersection of east line of Franklin Avenue as dedicated in said Franklin Yike Addition, (said Franklin Avenue now known as Osage Avenue), with the south line of Yike Avenue as dedicated in said Franklin Yike Addition, (said Yike Avenue now known as Irving Avenue), said intersection also being the southwest corner of that part of said Irving Avenue vacated in said Order of Vacation recorded in Deed Book 833, Page 187; thence  $N00^{\circ}06'47''W$ , (assumed basis of bearings), along the west line of said vacated Irving Avenue, 60.00 feet to the northwest corner of said vacated Irving Avenue, said northwest corner also being on the north line of said Yike Avenue, now Irving Avenue, and for a point of beginning; thence  $N89^{\circ}49'30''W$  along the north line of said Yike Avenue, now Irving Avenue, 16.00 feet to the intersection with the east line of relocated Franklin Avenue, now Osage Avenue, as established in the General Warranty Deed recorded in Deed Book 601, Page 487; thence  $N00^{\circ}06'47''W$  (calculated per described information),  $N00^{\circ}04'47''W$  (measured), along the east line of said relocated Franklin Avenue, now Osage Avenue, and along the west line of said vacated alley, (Deed Book 833, Page 187), 152.85 feet to the northwest corner of said vacated alley, said northwest corner also being on the south line of an alley as dedicated in Glendale, an Addition to Wichita, Kansas, said alley lying south of and abutting the south line of Lots 78, 80, 82, and 84, on McCormick Avenue, in said Glendale, (said Lots 78, 80, 82, and 84 deeded to the City of Wichita in the Deed recorded in Deed Book 388, Page 228); thence  $N89^{\circ}58'20''E$  along the north line of said vacated alley, (Deed Book 833, Page 187), and along the south line of the alley as dedicated in said Glendale, 16.00 feet (calculated per platted information), 15.91 feet (calculated per measured information), to the intersection with the northerly extension of the west line of said vacated Irving Avenue, (Deed Book 833, Page 187); thence  $S00^{\circ}06'47''E$  (measured) along said extended west line, 152.91 feet to the point of beginning, TOGETHER with that part of Lots 78, 80, and 82, on McCormick Avenue, in Glendale, an Addition to Wichita, Kansas, and that part of an alley as dedicated in said Glendale, said alley lying south of and abutting the south line of said Lots 78, 80, and 82, and Lot 84, on said McCormick Avenue, in said Glendale, (said Lots 78, 80, 82, and 84 deeded to the City of Wichita in the Deed recorded in Deed Book 388, Page 228), and now described and conveyed to Unified School District No. 259, Sedgwick County, Kansas in the Quit Claim Deed recorded in DOC.#/FLM-PG: 29387054 and more particularly described as follows: Commencing at the intersection of east line of Franklin Avenue as dedicated in Franklin Yike Addition to Wichita, Kansas, (said Franklin Avenue now known as Osage Avenue), with the south line of Yike Avenue as dedicated in said Franklin Yike Addition, (said Yike Avenue now known as Irving Avenue), said intersection also being the southwest corner of that part of said Irving Avenue vacated in said Order of Vacation recorded in Deed Book 833, Page 187; thence  $N00^{\circ}06'47''W$ , (assumed basis of bearings), along the west line of said vacated Irving Avenue, 60.00 feet to the northwest corner of said vacated Irving Avenue, said northwest corner also being on the north line of said Yike Avenue, now Irving Avenue; thence  $N89^{\circ}49'30''W$  along the north line of said Yike Avenue, now Irving Avenue, 16.00 feet to the intersection with the east line of relocated Franklin Avenue, now Osage Avenue, as established in the General Warranty Deed recorded in Deed Book 601, Page 487; thence  $N00^{\circ}06'47''W$  (calculated per described information),  $N00^{\circ}04'47''W$  (measured), along the east line of said relocated Franklin Avenue, now Osage Avenue, and along the west line of said vacated alley, (Deed Book 833, Page 187), 152.85 feet to the northwest corner of said vacated alley, said northwest corner also being on the south line of an alley as dedicated in Glendale, an Addition to Wichita, Kansas, said alley lying south of and

abutting the south line of Lots 78, 80, 82, and 84, on McCormick Avenue, in said Glendale, said Lots 78, 80, 82, and 84 deeded to the City of Wichita in the Deed recorded in Deed Book 388, Page 228; thence N89°58'20"E along the north line of said vacated alley, (Deed Book 833, Page 187), and along the south line of the alley as dedicated in said Glendale, 16.00 feet (calculated per platted information), 15.91 feet (calculated per measured information), to the intersection with the northerly extension of the west line of said vacated Irving Avenue, (Deed Book 833, Page 187), and for a point of beginning; thence N00°06'47"W (measured), along said extended west line, 22.84 feet; thence N62°45'04"E, 19.87 feet to a point on the southwest line of Lincoln Street as described in Condemnation Case No. 59855 and Ordinance No. 9178; thence S59°47'40"E (calculated per description in said Condemnation Case No. 59855 and Ordinance No. 9178), S59°44'09"E (measured), along the southwest line of said Lincoln Street (per description in said Condemnation Case No. 59855 and Ordinance No. 9178), 63.30 feet to the intersection with the south line of the alley dedicated in said Glendale, the south line of said alley also being the north line of the alley in said Franklin Yike Addition vacated in Deed Book 833, Page 187; thence S89°58'20"W along the south line of the alley dedicated in said Glendale, (and the north line of the vacated alley, (Deed Book 833, Page 187)), 72.30 feet to the point of beginning.

**BACKGROUND:** The applicant is seeking GO General Office (GO) to permit a "medical service" on 2.57 acres located at the southeast corner of West Lincoln Street and South Osage Street currently zoned MF-29 Multi-family Residential (MF-29). The subject site is currently an undeveloped portion of the athletic fields associated with West High School. A portion of the property is platted as the Franklin Yikes Addition while the rest of the site is unplatted. If approved, the GO zoning would permit the development of a "medical service" that would be open year-round, and would serve West High School students, faculty and surrounding neighborhood residents. The medical service will be required to meet all Unified Zoning Code requirements, such as: screening, building height, dumpster location, landscaping and parking. The school district will retain ownership of the site. West High School has approximately 1,500 students.

The land located immediately next to, or across the street from the application area in all four directions is zoned MF-29. Land north of the subject site, across East Lincoln Street, is developed with West High School. Land to the east and south are part of West High's athletic fields. Property located to the west, across South Osage Street, is developed with single-family and two-family residences.

**CASE HISTORY:** The Franklin Yikes Addition was recorded in 1887.

**ADJACENT ZONING AND LAND USE:**

North: MF-29; West High School  
South: MF-29; West High School athletic fields  
East: MF-29; West High School athletic fields  
West: MF-29; single-family and two-family residences

**PUBLIC SERVICES:** The site is located in a part of town that has been developed for many years and is served by all usual municipal and private utilities and services.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “major institutional” use. The “major institutional” use 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, hospital and medical treatment facilities. A “medical service” is also permitted in the B Multi-family Residential (B) and NO Neighborhood Office (NO) districts. Medical services in the NO district are limited to a maximum of 8,000 square feet of gross floor area.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends approval of the request.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land located immediately next to, or across the street from the application area in all four directions is zoned MF-29. Land north of the subject site, across East Lincoln Street, is developed with West High School. Land to the east and south are part of West High’s athletic fields. Property located to the west, across South Osage Street, is developed with single-family and two-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned MF-29 which permits single-family, two-family and multifamily residential up to 29 dwelling units per acre plus certain other civic and institutional uses, such as public schools. The site is part of a much larger tract that contains athletic fields used by West High School. The site could be developed with other West High School facilities or other uses permitted by the site’s current zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the GO zoning should not create an increased negative impact on nearby property given the traffic and parking associated with West High School.
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 would presumably provide more convenient medical services for West High students and the surrounding neighborhoods. Unified School District 259 has a long standing partnership with the medical service provider, and has sought several zone changes at other USD 259 school sites in order to establish medical services on school property.
5. Length of time the property has been vacant as currently zoned: The site is an undeveloped part of a larger tract that contains athletic facilities for West High. The application has been vacant for decades.
6. 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 “major institutional” use. The “major institutional” use 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, hospital and medical treatment facilities. A “medical service” is also permitted in the B Multi-family Residential (B) and NO

Neighborhood Office (NO) districts. Medical services in the NO district are limited to a maximum of 8,000 square feet of gross floor area.

7. Impact of the proposed development on community facilities: None identified.

**DALE MILLER**, Planning Staff presented the Staff Report.

**MOTION:** To approve subject to staff recommendation.

**MCKAY** moved, **NEUGENT** seconded the motion, and it carried (11-0-1).  
**J. JOHNSON** – Abstained.

6. **Case No.: ZON2014-00018** - Alice R. Graham (owner) / Baughman Company, PA, c/o Russ Ewy (agent) request a City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

Lot 20 EXCEPT the West 10 feet thereof dedicated for street purposes, R.A. Morris Tracts, Sedgwick County, Kansas.

**BACKGROUND:** The applicant is requesting TF-3 Two-Family Residential (TF-3) zoning on the unplatted approximately 4.7-acre SF-5 Single-Family Residential (SF-5) zoned subject site. The southwest corner of the subject site has an approximately 890-square foot single-family residence (built 1934) located on it. The applicant has provided a two concept plans, each showing, access onto the site off of the sand and gravel Curtis Street, with no access onto Doris. Based on the limited information provided to staff, the subject site could be developed with perhaps 25 duplexes (50 living units) or 30 single-family residences or some mix of the two residential developments. The subject site has to be platted for any development beyond the current single-family residence and any current accessory structures.

The site is located in a predominately SF-5 zoned single-family residential neighborhood, with scattered TF-3 zoned single-family residences and duplexes (Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321) located as close as a block east of the subject site. These adjacent eastern TF-3 zoned developments are located on urban scale (approximately +/- 8,100-square foot) lots with the referenced single-family residences and duplexes appearing to have been built in the late 1970s-1980s. SF-5 zoned properties abutting the north side of the site include a large garden, an undeveloped tract, and urban scale single-family residences (built 2006-2008). An SF-5 zoned single-family residence (built 1936, 2.06-acres), an undeveloped 0.56-acre tract and urban scale single-family residences (built 1990s-2001) abut and are adjacent to the south side of the site. Urban scale SF-5 zoned single-family residences (built 1926, 1970s, 1980s, 2001) are located west of the site across the sand and gravel Curtis Street. The north portion Interstate Highway-235 (IH-235) is located approximately 240 feet west of the site. A 4.2-acre church site and the paved Hoover Road separate the proposed and current development along Curtis Street from IH-235. The undeveloped 30-foot/half-street Doris Street right-of-way abuts the east side of the site. The applicant's two concept plans show no access onto Doris Street. Both plans show a 40-foot wide reserve running parallel to Doris Street, rather than dedication of 30 feet of half-street right-of-way to make Doris a thru north-south street. The required platting of the site will determine its final shape, configuration, access, drainage, the placement of utilities and the number of duplexes on the site.

**CASE HISTORY:** Staff has received 38 protest petitions against the proposed TF-3 zoning.

**ADJACENT ZONING AND LAND USE:**

NORTH: SF-5	Large garden, undeveloped land, single-family residences
SOUTH: SF-5	Single-family residences, undeveloped land
WEST: SF-5, LC	Single-family residences, church, III-235
EAST: SF-5, TF-3	Single-family residences, duplexes

**PUBLIC SERVICES:** The site has access on its west side to the sand and gravel (not crushed limestone) Curtis Street. Curtis Street has 40 feet – 62 feet of right-of-way along this unpaved portion, from paved 13<sup>th</sup> Street North to the paved portion of Curtis Street at its intersection with 11<sup>th</sup> Street North. The east side of the site abuts the undeveloped portion of Doris Street. This portion of Doris has 30 feet of half-street right-of-way and has road blocks separating it from the paved north and south portions of Doris Street. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map 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. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The TF-3 zoning district allows single-family residence, duplexes and some (but not limited to) institutional uses such as a parks, schools and churches by right. As such, the TF-3 zoning district conforms to the urban residential category.

**RECOMMENDATION:** The request does not introduce TF-3 zoning into the area. Zoning cases Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321 established TF-3 zoning in the area on either single lots or multiple lots. This request (as well the previous requests) provides infill duplex/residential development opportunities that are not uncommon for the older neighborhoods in Wichita. What is unusual about the request is the size of the land involved, 4.7-acres, which is larger than the areas previous TF-3 zoning requests and appears to be larger than other TF-3 infill for this district. As proposed, vehicular access to and from the site would be onto the sand and gravel Curtis Street, which provides short (250 feet) and quick access onto the recently paved Hoover Road-13<sup>th</sup> Street North interchange. 13<sup>th</sup> Street North is the shortest and quickest access onto the site and serves as the collector street for the area (connecting Hoover Road to Zoo Boulevard), thus helping divert the site’s traffic from the area’s local residential streets, including 11<sup>th</sup> Street, which runs from Curtis Street to Zoo Boulevard. Based on the limited information provided to staff, the subject site could be developed with perhaps 25 duplexes (50 living units) or 30 single-family residences or some mix of the two residential developments. The required platting of the site will determine its final shape, configuration, access, drainage, the placement of utilities and the number of duplexes on the site. The requested TF-3 zoning is the sixth out of 20 zoning requests for this year. 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 site is located in a predominately SF-5 zoned single-family residential neighborhood, with scattered TF-3 zoned single-family residences and duplexes (Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321) are located as close as a block east of the subject site. These adjacent eastern developments are located on urban scale (approximately 8,100-square foot) lots with the referenced single-family residences and duplexes appearing to have been built in the late 1970s-1980s. SF-5 zoned properties abutting the north side of the site include a large garden, an undeveloped tract, and urban scale single-family residences (built 2006-2008). An SF-5 zoned single-family residence (built 1936, 2.06-acres), an undeveloped 0.50-acre tract and urban scale single-family residences (built 1990s-2001) abut and are adjacent to the south side of the site. Urban scale SF-5 zoned single-family residences (built 1926, 1970s, 1980s, 2001) are located west of the site across the sand and gravel Curtis Street. Interstate Highway-235 (IH-235) is located approximately 240 feet west of the site and the Curtis Street single-family residences. A 4.2-acre church site and the paved Hoover Road separate the proposed and current development along Curtis Street.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The 4.7-acre SF-5 zoned site has a single-family residence with accessory structures located on it. The SF-5 zoning permits single-family residences, which, with a few exceptions, is the predominate zoning and development in the area. The site could be developed with perhaps approximately 30 single-family residences.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. The request would not introduce TF-3 zoning into the area, as there are at least 19 other TF-3 zoned lots located within one-three blocks of the site; Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321. Common concerns raised in the rezoning of land from SF-5 to TF-3, include a lack of maintenance on what will probably be rental properties and a perception of subsequent negative impact on neighboring property values. However, the ability and inclination of a property owner to maintain their property is not solely dependent on if the property in question is a rental property or property that the owner lives on.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to single-family residential, duplex, and some (but not limited to) institutional uses such as a parks, schools and churches. Denial of the request could impose a financial hardship on the owner. This type of rezoning in the older portions of Wichita is not unusual in that it allows for infill residential redevelopment opportunities. What is unusual about the request is the size of the land involved, 4.7-acres, which is larger than the areas previous TF-3 zoning requests and appears to be larger than other TF-3 infill for this district.
- (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 “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. The range of housing types found includes single detached homes, semi-detached

homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The TF-3 zoning district allows single-family residence, duplexes and some (but not limited to) institutional uses such as a parks, schools and churches by right. As such, the TF-3 zoning district conforms to the urban residential category.

- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure. The required platting of the property could provide improvements in regards to drainage and at the least require the applicant to provide a no protest petition for any future paving of this portion of Curtis Street.

**BILL LONGNECKER**, Planning Staff presented the Staff Report. He said the DAB approved the application with a PO offered by the applicant to limit the density of the duplexes to 15 and provide a 10-foot interior side yard setback to separate the buildings. He said DAB approved that compromise 4-1; however, he mentioned that a substantial number of citizens expressed concerns about the duplex development and how it would impact the nearby single-family residences and neighborhood. He said some of those citizens were present today to express their concerns to the Planning Commission. He said staff is in agreement with the PO, and added that as of today, there was a 59% protest of the application.

**PHIL MEYER, BAUGHMAN COMPANY, PA, 315 ELLIS, AGENT FOR THE APPLICANT JAY RUSSELL**, Contract Purchaser of the property. He said this is an “in-fill” project which is a challenge to developers even though the City is eager for developers to tackle in-fill projects. He said any in-fill project is usually fraught with opposition because developers are changing something that has been a certain way for a long time. He said they are requesting duplex zoning on the property. He said the Staff Report said there was enough room for 25 duplex units on the site; however, they don’t think they can achieve that. He mentioned the DAB hearing and the PO that the applicant offered which consisted of two items 1) limiting the density to a maximum of 15 lots and 2) 10-foot side yard setback rather than the standard 5-6 foot setbacks allowed by Subdivision Regulations. He said the applicant has met with the neighborhood organization and neighbors individually. He said a lot of the neighbors do not want Doris finished or paved. He said they are amenable to that if they can get it done through the platting process. However, he added that in the platting process they have to deal with Traffic Engineering, Fire, Police, Planning and other departments and even though they are willing to do that, they cannot promise it will happen. He said the issue will be dealt with at a later date, but he knew some of the neighbors were not as concerned about the proposal if Doris would not be changed/paved.

**JAY RUSSELL, 3438 BEACH CLUB, CONTRACT PURCHASER** of the property said he has been in land development in the City for 20 years and has received tremendous encouragement from the City to do “in-fill” projects. He mentioned two locations he developed including 35 single-family residences on South Custer and 38 single-family residences on South Hydraulic. He said there were as many protestors at those meetings, when he developed single-family residences, as there are here today. He said his experience has been that neighbors do not want their neighborhood changed and they do not want to pay to pave the roads and extend utilities.

**RUSSELL** said he met with approximately 20 neighbors after they had signed Protest Petitions. He said the number one problem in the neighborhood, in his opinion, is the roosting egrets in the trees on the property to the north of the site. He said he has signed agreements with several surrounding property owners to tear down the trees to help get rid of the birds. He said the question was asked what proof they have that the birds will go away if they tear down the trees. He said a DAB member indicated that he had a similar experience in Texas and when the trees were torn down, the birds left. He said there has been discussion regarding the duplexes hurting property values but in his opinion the duplexes will never be the unsightly, unhealthy problem the birds have created.

**RUSSELL** reviewed the concessions he has offered that were taking care of the bird problem and paving Curtis (at no cost to the residences) from 13<sup>th</sup> Street and ending in a cul-de-sac. He commented that the original design of the property included a road through the property and paving of Doris. He said they have also agreed to a maximum of 15 buildings. He said the Staff Report indicated that if single-family homes were built, there could be a total of 30 homes at the location. He said they could develop single-family homes at the location with no public hearing. He said they have also agreed to landscape and irrigate the front yards of all of the units and in addition, he has hired a property manager (the resident who lives south of the complex) who will supervise and mow and maintain the complex on a daily basis. He said he believes this will eliminate some of the neighborhood concerns. He also mentioned the playground they will install at the east end of the cul-de-sac, which will be available for all neighborhood children to play on, not just children from the complex.

**MOTION:** To give the speaker one additional minute.

**J. JOHNSON** moved, **GOOLSBY** seconded the motion, and it carried (12-0).

**RUSSELL** indicated that they will be good neighbors. He said rental property is all about management and the people who take care of it. He said he will be the property owner and that he and his staff will do a good job.

**DENNIS** asked if cutting down the trees and paving the street were part of the PO.

**RUSSELL** said they were advised that adding the tree removal to the PO was not possible and; therefore, he has private agreements with surrounding property owners. He said he didn't believe paving Curtis could be added either, but they would agree to add that.

**MEYER** clarified that of the 5 items listed, the only 2 that can be done in the PO are the density and side yard setbacks. He said the rest are private agreements with the neighbors.

**DENNIS** asked what guarantees does the neighborhood have on those items.

**MEYER** said they do not believe those are zoning issues but the Planning Commission can certainly discuss that.

**CASEY WATSON, 1226 NORTH DORIS STREET** said he thought it was misleading to say that the birds are the main concern of the neighborhood. He said their biggest concern is the duplexes that will cover a large area like a spread out apartment complex. He said this is an established neighborhood and most of the houses have been there for a long time. He added that this is a quiet neighborhood. He said the Staff Report says this will not be introducing Two-family Residential because there are 19 other duplexes in the area; however, he said those duplexes are scattered throughout the neighborhood not in one area. He said this proposal is completely different from anything they have in the neighborhood. He said the Staff Report also says what is unusual about the request is the size of the land involved which is larger than any other TF-3 areas in the entire district. He said this is going to be something unprecedented put right in the middle of an established neighborhood. He said the birds are a nuisance but personally he likes them. He said the birds are not that big of a deal. He mentioned the relative gain as opposed to the loss of value and hardship. He said he remembered the owner of the property walking door-to-door in the neighborhood when Eck wanted to purchase the land to see if the neighbors wanted to purchase it. He said everyone he talked to is opposed to this proposal and don't want duplexes in the area. He said they are not opposed to the site being developed but they would like single-family homes. He requested that the Commission consider what should be done and not what could be done. He said it seems to him that people with money and pull are the ones that get things done even if people in the neighborhood are opposed to it.

**WARREN** commented that he disagreed with the assumption that if duplexes go in it will no longer be a quiet neighborhood. He said he has lived in duplexes all his life and lives in one now. He said there is no difference between his neighborhood and a neighborhood with single-family homes so he doesn't see that as a problem or concern. He mentioned that there may be a misunderstanding regarding the numbers and the types of units allowed at the site. He said 15 buildings, which would be 30 units is a significant reduction compared to the 25 buildings that could be built at the location.

**BETSY TAUB, 1304 NORTH DORIS STREET** said she lives catty corner to the proposed building site. She said she wanted to emphasize that the issue isn't not liking change because the neighborhood has said as a unified group that they would be open to single-family homes. She said duplexes will increase density. She also mentioned that this will hit the neighbors in the pocketbook and they can't afford that. She said they can't afford to sell either because she and her partner have an investment in their home. She said they too like the egrets. She mentioned density and noise if the trees are removed. She commented on the number of duplexes versus development of single-family homes and said the numbers don't seem right. She concluded by stating that although she feels the applicant has been fair and has offered concessions, she did not like the attitude that the neighborhood knows what they are going to get with this applicant and they don't know what the next person is going to offer. She said that may be true, but she is willing to take her chances and vote against this proposal.

**NEUGENT** asked the speaker to explain the statement "hit us in the pocketbook."

**TAUB** said it is the neighbors' belief that this complex will lower the value of their homes when they want to sell them. She said she can't afford that. She said she doesn't have any hard proof but she said this type of complex changes the noise and traffic even if Doris is not opened up. She said the City needs to check with their real estate people but she believes this will lower the value of her house.

**CANDY CRAGEN, 1225 NORTH DORIS STREET** said she lives just to the south of the site. She said they built their home 15 years ago knowing that the area would continue to develop. She said they spent \$230,000 on their home and overbuilt for the area because the other homes north on Doris range in value from \$140,000 – \$170,000 each. She said it means a lot to the neighbors not to have duplexes because this is a residential area with single-family homes and they would like to continue that type of development. She said she doesn't object to duplexes or that style of living, just not in this area. She said the applicant mentioned that he could walk away and another developer could develop single-family homes. She said the neighbors want Mr. Russell to do just that. She said they want single-family homes that are suitable for the area. She said they have gathered almost 75% Protest Petitions opposed to the proposed zoning. She said this not about being against development but keeping the area with single-family homes. She asked that the Planning Commission deny the request and let someone else come in and continue with the same type of growth.

**CRAGEN** said this proposal will have a detrimental impact on the value of their homes and a financial and emotional hardship on the neighborhood. She said this proposal has already caused an emotional hardship with the time and research they have spent and meetings they have had to attend to try to save the value and investment in their properties. She said the neighborhood is becoming revitalized and upgraded by younger generations moving in and making improvements to the homes in the area and she would like to see the neighborhood continue to grow in that positive direction.

**CRAGEN** concluded by saying that flooding is a major issue, not the birds. She said the site is extremely low lying. She said once this area is raised to grade all the flooding will come down south Doris which may flood basements. She said Curtis and Hoover has become an extremely dangerous intersection since the City has paved Hoover from 13<sup>th</sup> Street to Central and there is not one stop sign along the route. She said people are already speeding through the area. She mentioned the Golden Rules and how the Planning Commission makes their decision based on those principles. She asked the Commission to uphold the laws already put in place and protect their homes, families and area. She said current zoning for this land is still single-family and the neighborhood would like it to remain that way.

**MOTION:** To give the speaker one additional minute.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (12-0).

**CRAGEN** concluded by asking the Commission to take due diligence and careful consideration of the long-term impact to the community and deny the request for multi-family zoning in this area.

**KEVIN CRAGEN, 1225 NORTH DORIS STREET** said he had a couple of points. He mentioned that the majority of the trees are located north of the site, not on the property itself. He said the current property owner has the same individual that Mr. Russell has hired performing maintenance and taking care of the property now. He said he understands the City has been out multiple times for violations so Mr. Collins is not doing what he is supposed to be doing now. He asked how can he maintain developed property if he can't maintain the current vacant property.

**CRAGEN** said since Hoover got paved traffic has increased and the road has become a raceway because there is no traffic control. He said this will increase that by 30 families exiting the area. He said 8 duplexes were recently developed along Hoover that has already increased traffic and congestion.

**CRAGEN** said drainage is an issue in the area and if it rains for over 15 minutes, 11<sup>th</sup> Street floods over the curb. He said the drainage structure in the area cannot handle the current drainage. He briefly explained the current drainage pattern which does not work and indicated that everything south of 13<sup>th</sup> Street is supposed to drain south. He said adding higher ground will only increase the drainage problems in the area. He said the neighborhood is for change, just not this type of change. He mentioned private agreements builders make and that it sounds good to the Commission that the developer is trying to work with the neighbors but once this is rezoned there is no guarantee that any private agreement is going to happen. He said the private agreements are not binding in any way, shape or form.

**MOTION:** To give the speaker one additional minute.

**J. JOHNSON** moved, **MCKAY** seconded the motion, and it carried (12-0).

**CRAGEN** said the applicant wants to put the duplexes between the two most valuable homes in the development. He asked the Commissioners how they would like to have that type of development between their properties.

**PHIL MEYER, BAUGHMAN COMPANY, PA** mentioned that a lot of Protest Petitions have been filed on the proposal and that there was also a crowd at the DAB meeting; however, only four people, representing three families have spoken at today's meeting in opposition to the proposal. He said many of the Protest Petitions were signed prior to the applicant meeting with the neighbors so some of the problems may have been worked out. He said there is no evidence or research that zoning has a detrimental impact on property values or that duplexes will ruin the value of the homes in the area. He said his personal opinion is it depends on how the property is taken care of, maintained and the overall development, not the zoning or the type of home. He said this proposal is an "urban density" development and an "in-fill" project and fits within this area. He said drainage problems will be addressed during the zoning process and Doris will be taken care of during the platting process. He concluded by stating that maintenance is the key.

**MITCHELL** asked about the plan for Doris.

**MEYER** said their plan, goal and promise to the neighborhood is to try not to extend Doris. He mentioned that all drainage goes to the east, hits Doris and goes south. He said drainage for the project will be located on the east side whether Doris goes in or not.

**MITCHELL** asked if the Subdivision Committee requested a No Protest Petition for Doris would the applicant be willing to do that.

**MEYER** said the most economical idea was to complete Doris. He said instead, the applicant has agreed to pave off site of the location along Curtis. He said he can't answer the question about the No Protest Petition.

**MITCHELL** said the applicant is overlooking drainage improvements and access in the area.

**MEYER** said the applicant is going to deal with the drainage without paving Doris.

**MCKAY** asked for clarification on the No Protest Petition.

**MITCHELL** said the No Protest Petition would be for the applicant's portion of the cost to pave Doris in the future.

**MEYER** responded to a question from the audience and said **COMMISSIONER MITCHELL** was asking if the applicant would agree that they will not fight the paving of Doris in the future and will pay to pave the west half if the neighborhood pays for the east half. He said for the east half of Doris to be paved the neighborhood would have to go to the City Council and ask that it happen. He said by signing the No Protest Petition, the applicant is giving up his legal right to protest the paving.

**G. SHERMAN** explained to the audience that this hearing is the first step in this process. He said once the property is rezoned, the applicant has to come back to the Subdivision Committee and Planning Commission and plat the property. He said at that time staff will work with the applicant on drainage, location of the cul-de-sac and other issues. He said sometimes at the platting process a developer doesn't want to pave a street or extend a sewer line. He said the City asks the developer to sign an agreement that if the surrounding area wants it done at a future date, they won't protest that action.

**DENNIS** commented that a lot of promises are being made that issues will be addressed at platting; however, the neighborhood does not receive notification of the platting process. He suggested that the Commission approve the application with the stipulation that the people protesting the proposal are notified when platting occurs.

**MEYER** commented that a sign is posted on the property during the platting process. He said the applicant is not opposed to notifying the neighborhood during the platting process.

**WARREN** asked the applicant if he was marketing the complex for sale what the cost would be.

**RUSSELL** said he plans on keeping the complex for the long term. He said the current project cost is \$2,000,000 and the units will rent for approximately \$900-1,000 per month, and will be 3 bedrooms/2 bath.

**DENNIS** asked the applicant if it was economically feasible to develop single-family homes at the site.

**RUSSELL** said if he developed single-family housing there would be new specials with 15-20 year assessments, so he would not do that. He said he already has 300 single-family units with the specials paid. He said he will adhere to the promises he has made on the private agreements.

**GOOLSBY** mentioned that he pulled up a Google Map where you could see white (egrets) in the trees north of the property.

**RUSSELL** said the property owners surrounding the site would like the trees torn down.

**MOTION:** To approve subject to staff recommendation as amended to include density, setbacks and notification of the residents during the platting process.

**DENNIS** moved, **MITCHELL** seconded the motion.

**FOSTER** explained to the audience that the Planning Commission makes a recommendation to the City Council and the Council has the final decision on the rezoning request. He said he believes this issue should be discussed by the Comprehensive Plan Steering Committee because the Commission has heard many of these types of zoning requests lately and he believes it is a sign of the housing market. He asked at what point does this type of zoning impact the neighborhood so greatly that the application should be turned down. He said the Comprehensive Plan does support “in-fill” housing.

**DENNIS** said he agreed with **COMMISSIONER FOSTER**. He said the Commission used to have training sessions and noted that there were a number of new members on the Commission. He asked about another training session.

**G. SHERMAN** mentioned that he thought the Golden Rules were developed as a result of a court case where a City turned down a case based totally on neighborhood opposition. He said the court decided that Planning Commissions had a certain number of things they had to consider on requests for zoning. He said if he felt the project being proposed was detrimental to the neighborhood he would oppose it but he did not feel it was.

The **MOTION** carried (12-0)

**J. JOHNSON** commented on only four people speaking and said the Commission always asks people not to be repetitive. He thanked the group for only presenting four speakers as opposed to having ten or twelve people speak about the same thing.

7. **Case No.: CUP2014-00019** - Southfork Investments, LLC (Jay S. Maxwell) / QuikTrip West, Inc. (Truitt Priddy) / MKEC Engineering, Inc. (Brian Lindebak) request City CUP amendment to DP-315 to modify the size and number of parcels, signage, landscaping, lighting, screening, etc on property described as:

Lots 1, 2, 3, 4 and 5, Funston Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The applicant is seeking to amend the 8.23-acre GC General Commercial (GC) zoned Funston Addition Community Unit Plan (CUP) DP-315 located at southwest corner of East 47<sup>th</sup> Street South and South Hydraulic Avenue. The request has been filed to facilitate the relocation of a convenience store from the southeast corner of South Hydraulic Avenue and East 47<sup>th</sup> Street South to the southwest corner of the same intersection. The site is currently vacant except for an unused off-site sign.

The proposed amendments would reduce the number of CUP parcels from five to four, establish a Reserve A, redistribute development standards within the remaining four parcels and the reserve and define permitted uses as being those permitted by right in the GC district except for: correctional placement residences, nightclub in the city and cemetery. Reserve A is proposed to accommodate drainage from Parcel 1. The following uses shall be prohibited within 200 feet of residentially zoned property: service stations, restaurants with drive-in or drive-through facilities and vehicle repair. Parcel sizes range in size from 1.050 acres to 3.946 acres. Maximum building height is 35 feet. Maximum building coverage is 30 percent. Maximum gross floor area ration is 35 percent. The applicant proposes one electronic message sign along South Hydraulic Avenue and one along South 47<sup>th</sup> Street. All signs

are to be monument or pylon style, spaced 150 feet apart. Based upon the frontage of the application area along Hydraulic, 414.4 square feet of signage is permitted. The applicant is requesting 467 square feet. Along East 47<sup>th</sup> Street, 458.6 square feet of signage is permitted; the applicant is requesting 467 square feet. Access controls shall be as indicated on the plat.

Land located north East 47<sup>th</sup> Street South is zoned LC Limited Commercial (LC) and SF-5 Single-family Residential (SF-5), and is developed with residential or retail uses. Land located east of South Hydraulic is also zoned LC and SF-5, and is developed with retail uses or residences. Land located to the south is zoned LI Limited Industrial (LI) and SF-5, and is developed with a residence, a church or a trucking company. Land located to the west is also zoned LI and SF-5 and developed with a trucking company or a church.

**CASE HISTORY:** On December 9, 2008, the Wichita City Council approved ZON2008-00052 and CUP2008-00040 that established GC zoning subject to the development standards contained in the Funston Addition CUP DP-315, subject to platting. The Funston Addition was recorded in 2011.

**ADJACENT ZONING AND LAND USE:**

North: LC and SF-5; body shop, retail store and single-family residences  
South: LI and SF-5; truck terminal, church and single-family residence  
East: LC and SF-5; fraternal institution and convenience store  
West: LI and SF-5; truck terminal and church

**PUBLIC SERVICES:** East 47<sup>th</sup> Street South and South Hydraulic Avenue have 50 feet of half-street right-of-way with a corner clip at the intersection of the two streets. Victoria Avenue has 65 feet of full right-of-way. All normal municipal and private utilities are available to serve the application area.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “employment/industry center.” The employment/industry center category includes uses that constitute concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The subject site is bordered on the south and west by a truck terminal. The subject site is also located in the South Wichita/Haysville Area Plan. According to the plan, the application conforms to the goal of improving the opportunities for additional commercial growth. Finally, the City Council previously approved the site’s existing GC zoning subject to CUP DP-315. The current application only slightly modifies the existing CUP approved in 2008, and allows for the development of a new generation convenience store at this location.

**RECOMMENDATION:** Based upon the information available at the time the report was prepared, staff recommends approval of the amendment to CUP DP-315 subject to the development standards described in the General Provisions and graphics depicted on the face of the proposed CUP and the following conditions:

- A. The applicant shall record a document with the Register of Deeds indicating that this tract (referenced as DP-315) includes special conditions for development on this property.

- B. The applicant shall submit four final copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located north East 47<sup>th</sup> Street South is zoned LC and SF-5, and is developed with residential or retail uses. Land located east of South Hydraulic is also zoned LC and SF-5, and is developed with retail uses or residences. Land to the south is zoned LI and SF-5, and is developed with a residence, a church or a trucking company. Land located to the west is also zoned LI and SF-5, and developed with a trucking company or a church.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GC subject to the development standards contained in CUP DP-315. The site could be developed as currently zoned; however, the proposed amendment only slightly modifies the existing development standards.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The existing zoning on the subject site will remain the same. The proposed amendment eliminates one parcel and redistributes the development rights to the remaining four parcels and the single reserve. The proposed amendments should not detrimentally impact nearby properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The proposed amendment will facilitate the development of a larger convenience store which presumably will benefit the general public by expanding the stores services and products. Denial would presumably represent a loss in economic opportunity to the property owner and the convenience store operator.
5. Length of time the property has been vacant as currently zoned. The property is currently vacant except for an off-site sign. The property has been zoned GC subject to the development standards contained in CUP DP-315 since 2008.
6. 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 "employment/industry center." The employment/industry center category includes uses that constitute concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The subject site is bordered on the south and west by a truck terminal. The subject site is also located in the South Wichita/Haysville Area Plan. According to the plan, the application conforms to the goal of improving the opportunities for additional commercial growth. Finally, the City Council previously approved the site's existing GC zoning subject to CUP DP-315. The current application only slightly modifies the existing CUP approved in 2008, and allows for the development of a new generation convenience store at this location.

7. Impact of the proposed development on community facilities: Existing facilities are in place or can be extended to the site to accommodate the proposed uses.

DALE MILLER, Planning Staff presented the Staff Report.

**MOTION:** To approve subject to staff recommendation.

MCKAY moved, NEUGENT seconded the motion, and it carried (12-0).

8. **Case No.: CUP2014-00020** – Two Brother’s BBQ c/o Thomas Ryan (owner) / Ron’s Sign Company, John Saindon (agent) request a City CUP amendment to DP-128 to permit an LED sign on property described as:

Lot 3, except the North 49 feet thereof, Brush Creek 3<sup>rd</sup> Addition, Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The LC Limited Commercial zoned site, Lot 3 Brush Creek 3<sup>rd</sup> Addition, is located within DP-128, the Brush Creek Community Unit Plan (CUP). DP-128 is located at the southeast corner of North Woodlawn and East 37th Street North. The applicant requests amendment #2 to DP-128 to allow a LED sign component on an existing pylon sign. Provision 6-B of DP-128 specifies “Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusion of movement are not permitted.”

The remainder of DP-128 is developed with strip retail commercial. Outside of the CUP, surrounding zoning and uses include LC zoned strip retail stores and a MF-18 Residential zoned apartment complex located to the north, a LC zoned strip retail store to the south, a SF-5 Single-family Residential zoned development to the east, and LC zoned grocery store/super market west of the CUP.

**CASE HISTORY:** DP-128 was approved in 1983. DP-128 was platted as Brush Creek 3<sup>rd</sup> Addition in July 1997. The subject site is Lot 3, except N 49 feet, of Brush Creek 3<sup>rd</sup> Addition.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Strip retail commercial
SOUTH:	LC	Strip retail commercial
EAST:	LC	Strip retail commercial
WEST:	LC	Grocery Store/Super Market

**PUBLIC SERVICES:** The site has direct access to Woodlawn, a six-lane arterial with a center turn lane at the 37th Street North intersection. Woodlawn has a 120-foot right-of-way at the application area. DP-128 also has internal cross-lot access. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide” of the Wichita-Sedgwick County Comprehensive Plan depicts this location as being appropriate for “Local Commercial,” which contains commercial, office and personal service uses that do not have a significant regional market draw. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

**RECOMMENDATION:** Based upon the information available prior to the public hearings, planning staff recommends that the request for amendment #2 to DP-128 to a 4-foot by 8-foot LED sign on an existing pylon sign on Lot 3, Brush Creek 3<sup>rd</sup> Addition be **APPROVED**, with the following conditions:

- (1) The amendment to 6-B applies only to the LED sign located on Lot 3. Only one LED sign will be allowed at this location and must comply with the approved elevation and site plan.
- (2) Any other requests for LED signs within DP-128 will require a CUP Amendment for the specific lot.
- (3) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days of approval or the request shall be considered denied and closed.
- (4) If the Zoning Administrator finds that there is a violation of any of the conditions of the CUP amendment, 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 the CUP amendment null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** DP-128 is developed retail commercial center. Outside of the CUP, surrounding zoning and uses include LC zoned strip retail stores and MF-18 Residential zoned apartment complex located to the north, a LC zoned strip retail store to the south, a SF-5 Single-family Residential zoned development to the east, a LC zoned grocery store/super market west of the CUP.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** DP-128 currently prohibits the use of LED signs within the LC zoned CUP; however, City Sign Code allows programmable LED signs by right in LC zoned districts,.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** LED signs in the area are located at the northwest corner of 37<sup>th</sup> Street North and North Woodlawn for Chisholm Trail State Bank and the Sonic Drive-In at the northeast corner of the intersection. Immediately north of the project site, the Wal-Greens store has a monument sign with a message board component. Multi-family housing located north of the site is buffered by a commercial building and a street; the condominium development to the east is buffered by Woodlawn Boulevard and a platted reserve.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2030 Wichita Functional Land Use Guide” of the Wichita-Sedgwick County Comprehensive Plan depicts this location as being appropriate for “Local Commercial,” which contains commercial, office and personal service uses that do not have a significant regional market draw. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
- (5) **Impact of the proposed development on community facilities:** The requested CUP amendment should have no impact on community facilities.

**DALE MILLER**, Planning Staff presented the Staff Report.

**MOTION:** To approve subject to staff recommendation.

**MCKAY** moved, **NEUGENT** seconded the motion, and it carried (12-0).

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There was brief discussion regarding holding another Planner Commissioner orientation sometime in the fall.

**DIRECTOR SCHLEGEL** asked Commissioners to e-mail Planning staff with subjects they would like discussed.

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**DIRECTOR SCHLEGEL** reminded Commission members that election of a new Chair and Vice Chair would take place on the first meeting in September.

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**NON-PUBLIC HEARING ITEMS**

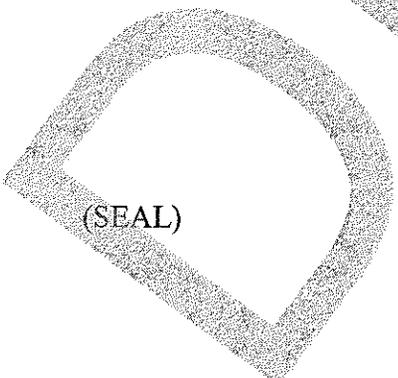
The Metropolitan Area Planning Commission adjourned at 2:50 p.m.

State of Kansas            )  
Sedgwick County        ) <sup>ss</sup>

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



**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, 10<sup>th</sup> 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 13<sup>th</sup> Street North, on the west side of Greenwich Road.

NOTE: This is a replat of the Berkeley Square 1<sup>st</sup> Addition and the Berkeley Square 2<sup>nd</sup> 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 13<sup>th</sup> 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](mailto: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).

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**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 143<sup>rd</sup> 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 143<sup>rd</sup> 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 143<sup>rd</sup> 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 143<sup>rd</sup> Street East will be located approximately 390-410 feet northeast of the proposed drive. 143<sup>rd</sup> Street East is a paved two-lane County section line road at this location. There is a drainage culvert that goes under 143<sup>rd</sup> Street East located in the vicinity of the proposed drive. Utility poles are located east

of the site, across 143<sup>rd</sup> 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 143<sup>rd</sup> 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 143<sup>rd</sup> Street East. Provide Planning with any required and approved plan numbers for the construction of the drive onto 143<sup>rd</sup> 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 143<sup>rd</sup> 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 143<sup>rd</sup> Street East. Provide Planning with any required and approved plan numbers for the construction of the drive onto 143<sup>rd</sup> 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).

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- 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 37<sup>th</sup> 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 37<sup>th</sup> 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 37<sup>th</sup> 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 37<sup>th</sup> 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 29<sup>th</sup> 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).

- 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).

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**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.

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**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)

DRAFT

**STAFF REPORT**

**CASE NUMBER:** SUB2013-00053 – WICHITA CROSSING ADDITION

**OWNER/APPLICANT:** Kensington Gardens, LLC, 11500 East 21<sup>st</sup>, Wichita, KS 67206;  
(Contract purchaser) R. Eric Seitz, 5729 Lebanon Road, Suite  
144, Frisco, TX 75034

**SURVEYOR/AGENT:** Alpha Land Surveys, Inc., Attn: Raymond D. Bretton and Lloyd P.  
Dorzweiler, 216 West Second Avenue, Hutchinson, KS 67501

**LOCATION:** Southeast corner of K-96 Highway and Greenwich (District II)

**SITE SIZE:** 17.51 acres

**NUMBER OF LOTS**

Residential:	
Office:	
Commercial:	
Industrial:	<u>4</u>
Total:	4

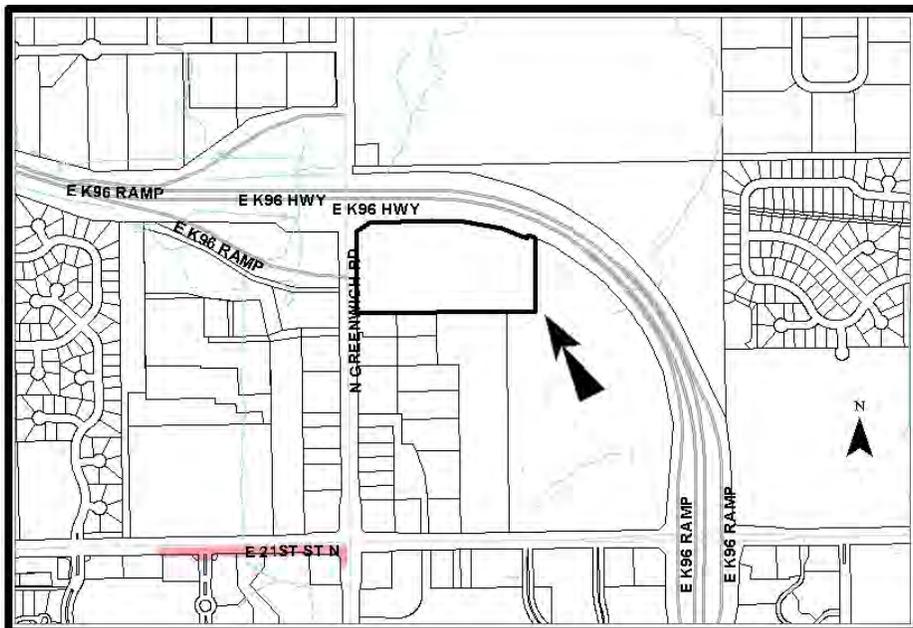
**MINIMUM LOT AREA:** .5 acres

**CURRENT ZONING:** SF-5 Single-family Residential

**PROPOSED ZONING:** LI Limited Industrial

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**VICINITY MAP**



**SUB2013-00053 – Plat of WICHITA CROSSING ADDITION  
September 11, 2014 - Page 2**

**NOTE:** This is a replat of a portion of the Kensington Gardens Addition. The site has been approved for a zone change (ZON2012-00026) from SF-5 Single-family Residential to LI Limited Industrial. This site is also contained within the K-96 and Greenwich South Community Unit Plan (CUP2012-00026, DP-328).

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises that sewer is available (transmission) and water is available to Lots 1, 3 and 4. A guarantee is needed for sewer extension (laterals) and City water (distribution) to serve Lot 2. Lots 1, 2, 3 and 4 will be subject to in-lieu-of-assessment fees (transmission and distribution).
- 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 advises that the drainage plan has been approved, subject to additional drainage easements. A 20-foot drainage easement shall cover all storm drainage systems that serve multiple platted lots (aka, a public drainage system).
- D. Traffic Engineering has approved the access controls. The applicant has proposed one opening along Greenwich Road in accordance with the site plan.
- E. Traffic Engineering has approved the right-of-way subject to a restrictive covenant specifying that the property owner is responsible for maintenance starting 80 feet east of the center line.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- G. County Surveying advises that monuments need to be set along the west line of the proposed plat.
- H. The 35-foot setback line for the notch scales at 45 feet and is not parallel with the south line of Lot 3 or the north line of Lot 4.
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. 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.
- K. 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.

**SUB2013-00053 – Plat of WICHITA CROSSING ADDITION**  
**September 11, 2014 - Page 3**

- L. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots. Traffic Engineering requests that language in this document be added to permit cross-lot access with the property owner to the south.
- M. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- N. County Surveying advises the easement at the southeast corner of Reserve B could be trimmed.
- O. County Surveying advises that the waterline easement needs to stop at the utility easement with the utility easement going straight through.
- P. County Surveying advises various building setback lines may be deleted when the adjoining easement is greater than the setback.
- Q. County Surveying advises the legal description needs corrected with the reference to the south line of Reserve "A". The south line of Reserve "A" is 1552.25 feet south of the south line of the proposed subdivision (e.g. the "most northerly south line"; the "westerly south line"; the "north line of Lot 1, extended east").
- R. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and nstrahl@wichita.gov.
- S. On the final plat, 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.
- T. 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.)
- U. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- V. 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.
- W. 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.

**SUB2013-00053 – Plat of WICHITA CROSSING ADDITION**  
**September 11, 2014 - Page 4**

- X. 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.
  
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
  
- Z. Westar Energy advises the plat needs to include the 15-foot Westar easement as recorded on Doc.#/Flm-Pg: 29454570 to cover existing Westar equipment. Any removal or relocation of existing equipment made necessary by this plat will be at the applicant's expense. Becky Thompson is the Construction Services Representative for the northeast area for Westar Energy and can be contacted at (316) 261-6320.
  
- AA. 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](mailto:kwilson@wichita.gov)).

STAFF REPORT

**CASE NUMBER:** SUB2014-00034 – CHAPARRAL FIELD ADDITION

**OWNER/APPLICANT:** William and Sandra Spangler, 7313 Sheridan, Valley Center, KS 67147

**SURVEYOR/AGENT:** Baughman Company, P.A., Attn: Kris Rose, 315 Ellis, Wichita, KS 67211

**LOCATION:** North side of 69<sup>th</sup> Street North, West of Meridian (County District IV)

**SITE SIZE:** 4.35 acres

**NUMBER OF LOTS**

Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1

**MINIMUM LOT AREA:** 4 acres

**CURRENT ZONING:** RR Rural Residential

**PROPOSED ZONING:** Same

**VICINITY MAP**



**SUB2014-00034 – Plat of CHAPARRAL FIELD ADDITION**  
**September 11, 2014 - Page 2**

**NOTE:** This site is located in the County within three miles of Wichita's boundary. It is located in the Valley Center Area of Influence.

**STAFF COMMENTS:**

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant has contacted Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum has been obtained specifying approval.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. County Public Works has approved the drainage plan subject to minor revisions. Any development that disturbs more than one acre will require a Notice of Intent from the state and a Sedgwick County Stormwater Permit. The drainage plan note shall be revised so that the Final Plat reads "A drainage plan has been developed for the plat and all drainage easements..."
- D. County Public Works has approved the access controls. The plat denotes complete access control along 69<sup>th</sup> Street North.
- E. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- F. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and nstrahl@wichita.gov.
- 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 applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

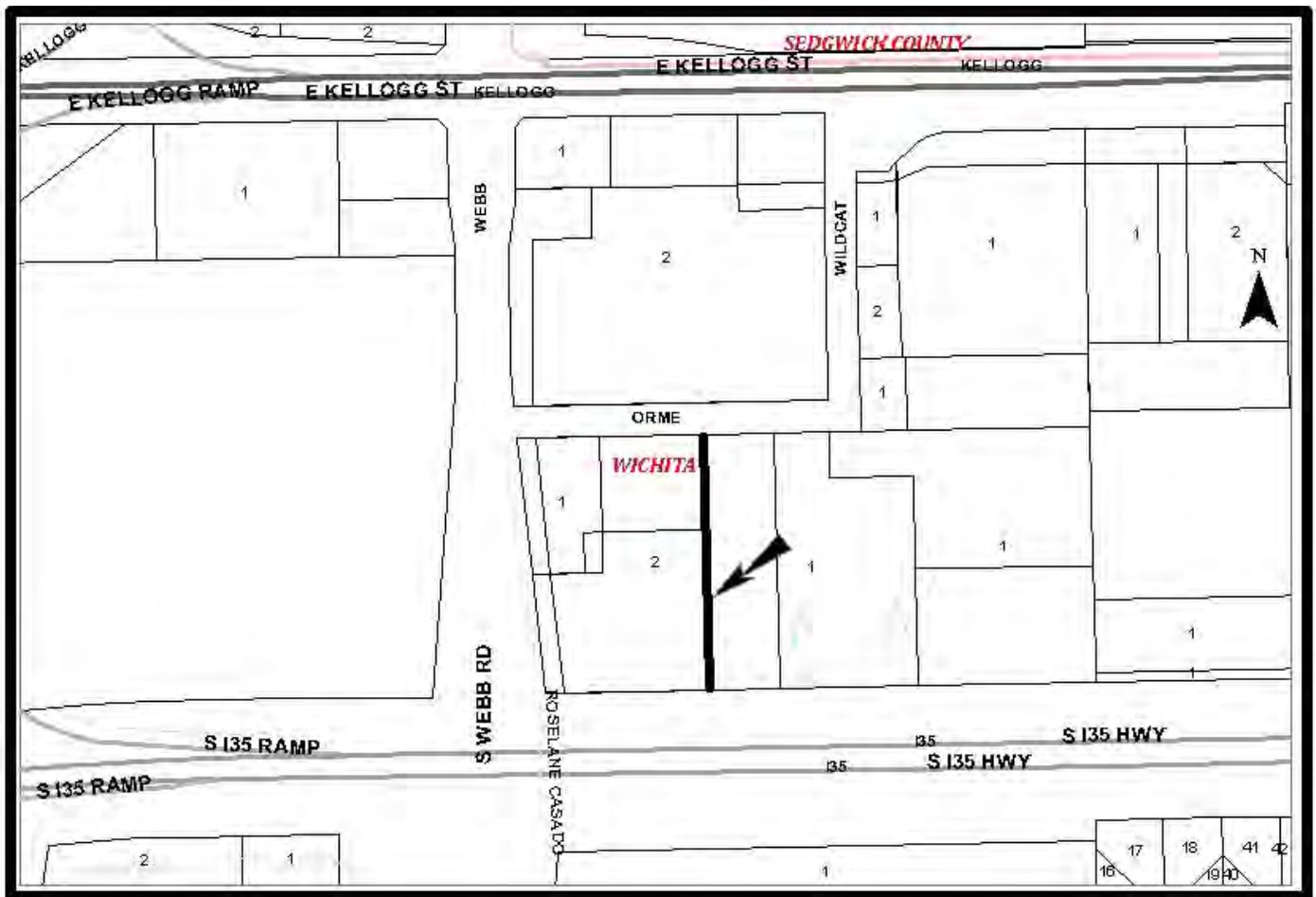
**SUB2014-00034 – Plat of CHAPARRAL FIELD ADDITION**  
**September 11, 2014 - Page 3**

- L. 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.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Westar Energy has requested additional easements. Any removal or relocation of existing equipment made necessary by this plat will be at the applicant's expense. Marsha Jesse is the Construction Services Representative for the northwest area and can be contacted at (316) 261-6734.
- O. 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](mailto:kwilson@wichita.gov)).

**STAFF REPORT**

- CASE NUMBER:** VAC2014-00028 - Request to vacate a platted utility easement
- OWNER/AGENT:** Michael E. Steven & Nevets, Inc., c/o Brandon Steven (owners), Baughman Co., PA, c/o Phil Meyer (agent)
- LEGAL DESCRIPTION:** The platted 10-foot wide utility easement running parallel to the east lot line of Lot 2, Rosson Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located between I-135 and Kellogg Street and southeast of Webb Road and Orme Street (WCC #II)
- REASON FOR REQUEST:** No utilities located in the platted utility easement
- CURRENT ZONING:** The subject property, abutting east and adjacent north properties are zoned GC General Commercial. Adjacent west properties are zoned LI Limited Industrial and are Kansas Turnpike Authority/I-135 right-of-way. Abutting south property is I-135 right-of-way.

**VICINITY MAP:**



The applicants propose to vacate the platted 560.09-foot long (x) 10-foot wide utility easement running parallel to the common lot line of Lot 2, Rosson Addition (applicants' property) and Lot 1, Higgins Turnpike Addition. The described easement makes the west 10 feet of a 560.09-foot long (x) 20-foot wide platted utility easement located on the common lot line of Lot 2, Rosson Addition (applicants' property) and Lot 1, Higgins Turnpike Addition. The east 10-feet of the easement are located on Lot 1, Higgins Turnpike Addition. There are no public utilities located in the described easement. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described easement. The Rosson Addition (applicants' property) was recorded with the Register of Deeds of Sedgwick County May 16, 1978. The Higgins Turnpike Addition was recorded with the Register of Deeds of Sedgwick County November 8, 1978.

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 August 21, 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 franchise utilities with any required plans for review and approval for the relocation of franchise utilities. 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) 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:

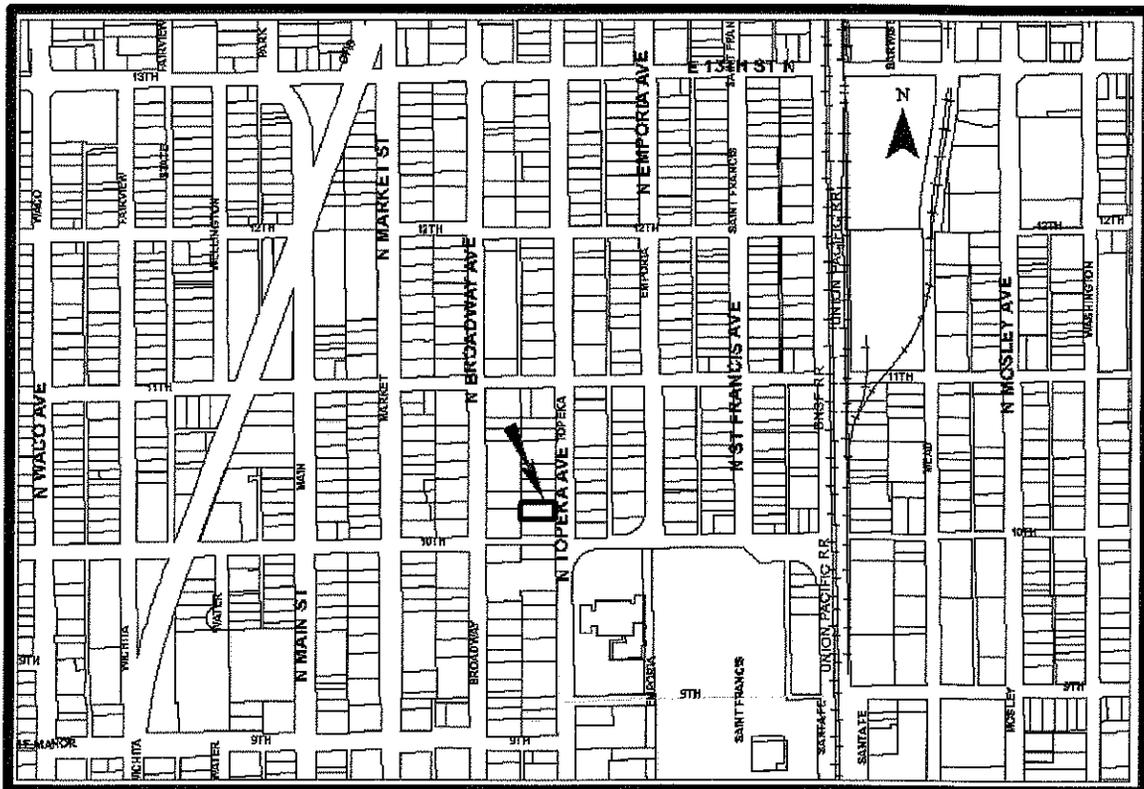
- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approval by franchise utilities must 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) 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.

# STAFF REPORT

MAPC September 11, 2014

DAB VI September 8, 2014

- CASE NUMBER:** ZON2014-00021
- OWNER/APPLICANT:** FHL Property Management, c/o BJ Sheu (agent)
- REQUEST:** LC Limited Commercial
- CURRENT ZONING:** GO General Office
- SITE SIZE:** Approximately 0.23-acres (10,050-square feet)
- LOCATION:** Generally located on the west side of Topeka Avenue and north of 10th Street North (1109 N. Topeka Avenue)



**BACKGROUND:** The applicant is requesting LC Limited Commercial zoning on the approximately 0.23-acre (10,050-square feet) GO General Office zoned subject site; Lot 1, Block A, Frazey Addition. The subject site has an approximately 3,816-square foot office located on it. The office was originally built in 1886, as a single-family residence, the Anawalt House. The Queen Ann Classical Revival style building is one of four buildings that are part of the North Topeka Avenue – 10th Street Historic District, which was entered in the National Historic Register in 1983. The applicant has met on site with the Historic Preservation Planner, to review the standards for any use conversation/remodeling of this registered site/structure.

The applicant proposes to convert the 3,816-square foot building into a restaurant that would allow 75 customers. The GO zoning district does not permit restaurants. Restaurants are first permitted in the NR Neighborhood Retail zoning district, however they shall not exceed 2,000-square feet in gross floor area, nor shall they provide any drive-up window service or in-vehicle food service. Delivery and carry-out services are acceptable; Unified Zoning Code, UZC Sec. III-D.6.t. The LC zoning district does not have these restrictions on restaurants. A restaurant requires one on-site parking space per three customers; the proposed restaurant would need to provide 25 on-site parking spaces. A review of an aerial of the site shows maybe 10-12 parking spaces on the site, which would allow 30-36 customers. The current parking appears to provide the needed parking for an office or retail use; one parking space per 333-square feet. On-site parking would need to be resolved thru off-site parking or a variance.

The GO zoned Via Christi regional medical complex is the dominate development in the area; Community Unit Plan CUP DP-132. The northwest portion of Via Christi is located southeast of the site across 10<sup>th</sup> Street and Topeka Avenue. The site's close proximity to Via Christi and the other medical and dental facilities in the area make the possibility of walk up traffic to the restaurant a consideration. A NO Neighborhood Office zoned office abuts the south side of the site. The abutting south building was original constructed in 1886 as a single-family residence that was converted into an office and is included in the North Topeka Avenue – 10th Street Historic District. Both the subject site and the abutting NO zoned office have paved parking in the rear half of their properties and share a common drive onto 10<sup>th</sup> Street North. South of the NO zoned office, across 10<sup>th</sup> Street, NO, B Multi-Family Residential and LC zoned group residence (CON2008-00033), medical services and uncovered parking. The NO zoned group residence was originally constructed in 1885 as a single-family residence and is part of the North Topeka Avenue – 10th Street Historic District. The LC zoned sit down/full service restaurants, fast food restaurants, motels, offices, uncovered parking and social services located along Broadway Avenue abut and are adjacent to the west side of the site and the neighborhood it is located in. TF-3 Two-Family Residential, B and GO zoned medical and dental offices, a two story apartment building and a single-family residence are located east of the site across Topeka Avenue. A B zoned single-family residence (built 1920) abuts the north side of the site and is included in the North Topeka Avenue – 10th Street Historic District. B zoned medical and dental offices and a NO zoned social services building are located further north of the subject site.

**CASE HISTORY:** The subject site was rezoned, Z-2487, from B Multi-Family Residential to BB Office (now GO) on March 22, 1983, subject to replatting; the Frazey Addition. Lots 1 (the site) and 2, Frazey Addition was recorded with the Sedgwick County Register of Deeds October 20, 1983. The Frazey Addition was originally part of Harvey's Reserve in the Stafford and Wright's Addition, which was recorded on May 6, 1884. Board of Zoning Appeals case BZA40-83 was a variance to reduce parking on the Frazey Addition when it was still zoned B. The variance reduced the parking from 44 to 33 parking spaces. As previously noted the site is one of four buildings that are part of the North Topeka Avenue – 10th Street Historic District, which was entered in the National Historic Register in 1983. This historical district is located in the Midtown Neighborhood Plan; County Resolution 87-04, May 19, 2004 and City Ordinance 46-179, May 18, 2004.

**ADJACENT ZONING AND LAND USE:**

NORTH: B, NO	Single-family residence, medical/dental offices, social services building
SOUTH: NO, B, LC, GO	Office, medical services, uncovered parking lots, regional medical complex
WEST: LC	Sit down/full service restaurants, fast food restaurants, motels, offices

EAST: B, GO, TF-3

Medical/dental offices, two story apartment building, single-family residence

**PUBLIC SERVICES:** The site shares a common drive onto 10<sup>th</sup> Street North with the abutting south property. 10<sup>th</sup> Street is a paved, two-lane local street with 30 feet of right-of-way. The site has frontage on Topeka Avenue, a paved one-way south collector street with 80 feet of right-of-way. Currently the site has no access onto Topeka Avenue. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for Local Commercial category of uses. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The purpose of the LC zoning district (the requested zoning) is to accommodate retail, commercial, office and other complementary land uses. The LC and GO (as is NR zoning) zoning districts are generally compatible with the Local Commercial or Regional Commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

The site is located within the Midtown Neighborhood Plan. The Plan recognizes the need for additional off-street parking and it also wants to identify locations where on-street parking would be appropriate. Due to its near proximity to the Via Christi medical complex and other medical offices in the immediate area, this portion of Topeka Avenue is heavily used for on-street parking. The Plan stresses the need to preserve the old homes in the area and even though the use of the subject site's building has evolved over the years from single-family residential to multi-family residential and most recently office, the building appears to be in reasonable good repair.

**RECOMMENDATION:** The request does not introduce LC zoning into the area along Topeka Avenue, as there are LC zoned parking lots and a medical office located a half-block south of the subject site. If approved the site will be the first LC zoned property located along this portion of Topeka Avenue, from 10<sup>th</sup> Street to 13<sup>th</sup> Street North. The requested LC zoning is less restrictive than the current GO zoning and NR zoning which would allow a full service restaurant that would not exceed 2,000-square feet in gross floor area, nor provide any drive-up window service or in-vehicle food service. The site's lack of access onto Topeka and its shared drive onto 10<sup>th</sup> Street makes a restaurant with drive-up window service unworkable, as there is no space for queuing. Its lack of parking makes in-vehicle food service unworkable. The 3,816-square foot building exceeds the NR zoning's 2,000 square feet in gross floor area, thus the possibility of a not being able to fully utilize the building as a restaurant, regardless of any resolution to the lack of on-site parking via off-site parking or a variance. BZA40-83 was a variance to reduce parking on the Frazey Addition and the subject site has not expanded to accommodate parking since that 1983 variance. An approved restaurant at this site that exceeds 30-36 customers means parking will continue to be an issue on this site in its current size and configuration. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following provisions of a Protective Overlay;

- (1) All uses permitted uses by right in the NR Neighborhood Retail zoning district and a restaurant with no drive-up window service nor in-vehicle food service.
- (2) Maximum occupancy for the restaurant shall be 30-36 customers, unless the parking issue can be resolved by off-site parking or a variance.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The GO zoned Via Christi regional medical complex is the dominate development in the area; Community Unit Plan CUP DP-132. The northwest portion of Via Christi is located southeast of the site across 10<sup>th</sup> Street and Topeka Avenue. The site's

close proximity to Via Christi and the other medical and dental facilities in the area make the possibility of walk up traffic to the restaurant a possibility. A NO zoned office abuts the south side of the site. The abutting south building was original constructed in 1886 as a single-family residence that was converted into an office and is included in the North Topeka Avenue – 10th Street Historic District. Both the subject site and the abutting NO zoned office have paved parking in the rear half of their properties and share a common drive onto 10<sup>th</sup> Street North. South of the NO zoned office, across 10<sup>th</sup> Street, NO, B and LC zoned group residence (CON2008-00033), medical services and uncovered parking. The NO zoned group residence was original constructed in 1885 as a single-family residence and is part of the North Topeka Avenue – 10th Street Historic District. The LC zoned sit down/full service restaurants, fast food restaurants, motels, offices, uncovered parking and social services located along Broadway Avenue abut and are adjacent to the west side of the site and the neighborhood it is located in. B Multi-Family Residential, TF-3 Two-Family Residential and GO zoned medical and dental offices, a two story apartment building and a single-family residence are located east of the site across Topeka Avenue. A B zoned single-family residence (built 1920) abuts the north side of the site and is included in the North Topeka Avenue – 10th Street Historic District. B zoned medical and dental offices and a NO zoned social services building are located further north of the subject site.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The 0.23-acre GO zoned site has a two-story office building located on it. The GO zoning permits residential uses, office uses (including medical), and civic uses. Medical facilities are the dominate feature of the area and most of the medical facilities in the area are zoned GO. The GO zoning district does not permit retail uses, which the requested LC zoning would allow, including restaurants.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested LC allows full service and fast food restaurants. Converting the subject site's 3,816-square foot building into a restaurant that would allow 75 customers on a site that has 10-12 parking spaces means the possibility of more on-street parking on this portion of Topeka Avenue, which is already appears to be heavily used for on-street parking for the area's medical facilities. Resolution of the parking issue can be resolved by off-site parking or a variance. The site's close proximity to Via Christi and the other medical and dental facilities in the area make the possibility of walk up traffic to the restaurant a consideration.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development to those permitted by right in the NR zoning district and a restaurant with a maximum of 30-36 customers (unless the parking issue can be resolved by off-site parking or a variance), with no drive-up window service or in-vehicle food service. Denial of the request could impose a financial hardship on the owner.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for Local Commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The purpose of the LC zoning district (the requested zoning) is to accommodate retail, commercial, office and other complementary land uses. The LC and GO zoning district are generally compatible with the Local Commercial or Regional Commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

The site is located within the Midtown Neighborhood Plan. The Plan recognizes the need for additional off-street parking and it also wants to identify locations where on-street parking would be appropriate.

Due to its near proximity to the Via Christi medical complex and other medical offices in the immediate area this portion of Topeka Avenue is heavily used for on-street parking. The Plan stresses the need to preserve the old homes in the area and even though the use of the subject site's building has evolved over the years from single-family residential to multi-family residential and most recently office, the building appears to be in reasonable good repair.

- (3) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure, with the exception (but not limited to) of the UZC's on-site parking requirements for a restaurant.

**STAFF REPORT**  
 MAPC September 11, 2014  
 DAB II September 2, 2014

CASE NUMBER: ZON2014-22 & CUP2014-26

APPLICANT/AGENT: NEVETS, Inc. c/o Brandon Steven (owner), Baughman Company, P.A. c/o Russ Ewy (agent)

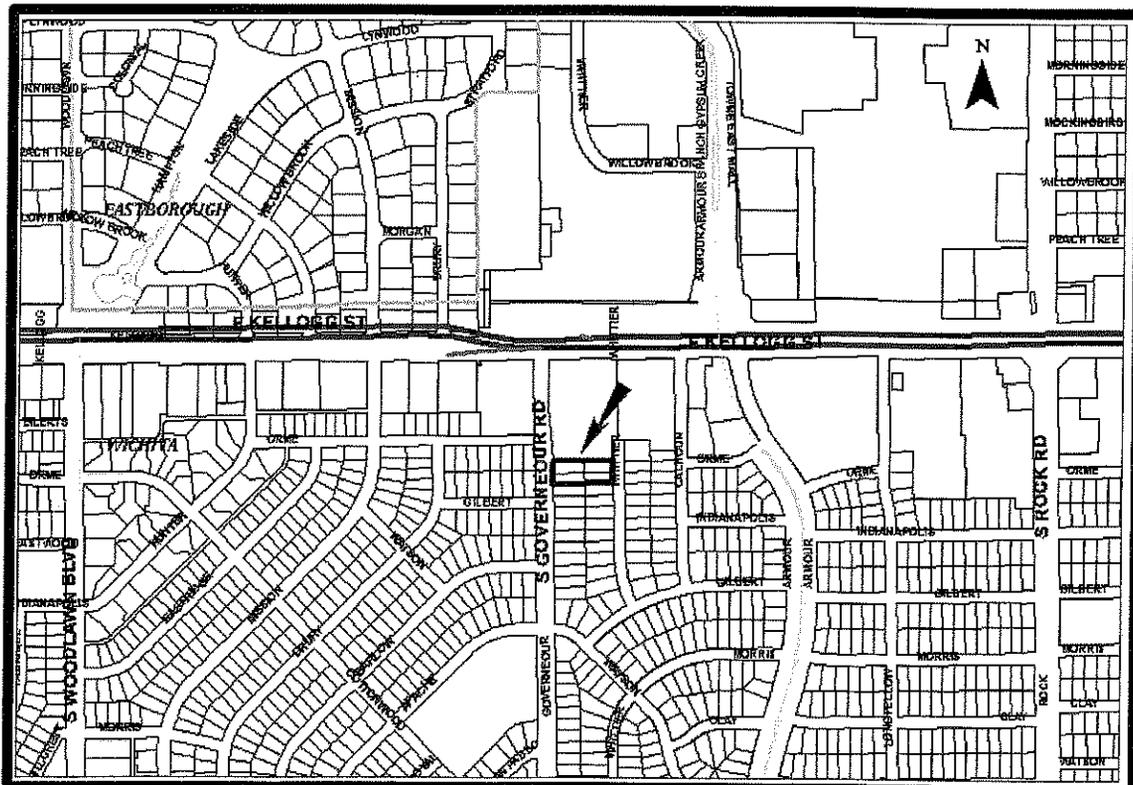
REQUEST: Zone change to LC Limited Commercial (LC) and amendment of DP-308 to create Parcel 4

CURRENT ZONING: SF-5 Single-family Residential (SF-5)

SITE SIZE: .88 acres

LOCATION: Generally located between Gouverneur and Whittier and 500 feet south of Kellogg (602 and 608 S. Gouverneur and 601 and 607 S. Whittier)

PROPOSED USE: Ancillary parking (employee parking)



**BACKGROUND:** The applicant requests expansion of LC Limited Commercial (LC) zoning and an amendment to DP-308, the Mike Steven Motors Community Unit Plan (CUP), by expanding the existing CUP onto this .88-acre site. The SF-5 Single-family Residential (SF-5) zoned site was originally platted as four residential lots with houses constructed in 1953. The applicant intends to create a new CUP parcel with the subject site and restrict it to employee parking only (see the attached CUP document). The existing CUP has a masonry wall along the south property line, immediately north of the application area. The applicant intends to leave the masonry wall in place along the north boundary of the application area and enclose the remainder of the site with a wood screening fence. This request would require a Planning Commission waiver of the Unified Zoning Code (UZC) requirement for a masonry screening wall on the perimeter of CUPs where adjacent to residential zoning. The CUP would keep all other development standards in place regarding signage, light pole height, landscaping, etc.

This CUP has expanded incrementally into the residential neighborhood to the south as the applicant has been able to acquire houses; a portion of Whittier was previously vacated and improved with a hammer-head turn-around. The surrounding property to the north is mostly zoned LC and developed with commercial uses along Kellogg. South, east and west of the site is the remaining SF-5 zoned single-family residential neighborhood.

**CASE HISTORY:** The site was platted as four lots within the Eastridge 6<sup>th</sup> Addition in 1951, houses on the site were built in 1953. DP 308 was originally approved in 2008.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Outdoor vehicle sales
SOUTH:	SF-5	Single-family residential
EAST:	SF-5	Single-family residential
WEST:	SF-5	Single-family residential

**PUBLIC SERVICES:** Whittier is a local street with a 60-foot right-of-way (ROW). Gouverneur is a two-lane collector with a landscaped median and a 100-foot ROW. The CUP has one existing access point to Gouverneur north of the site, the applicant indicates that access to this parcel will also be from Gouverneur. All other urban public services 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 north of the site along Kellogg as “regional 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.

**RECOMMENDATION:** The existing CUP has standards for signage, access, light pole height, landscaping and screening which improve compatibility with surrounding residences. The proposed zone change and CUP amendment would allow only ancillary parking, which is less intense than commercial uses on the remainder of the CUP to the north. However, the UZC requires a perimeter masonry wall where adjacent to residential zoning. Staff feels that a waiver of this requirement could have a negative impact on the surrounding residences, and would demonstrate a lowering of development standards to the surrounding neighborhood. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP amendment and zone change be APPROVED, subject to replatting

within one-year and the following conditions:

- A. The CUP shall require a masonry screening wall along the south, east, and west boundaries of Parcel 4.
- B. Access to the site shall be from Gouverneur only and on the north 30 feet of the site.
- C. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This CUP has expanded incrementally into the residential neighborhood to the south as the applicant has been able to acquire houses; a portion of Whittier was previously vacated and improved with a hammer-head turn-around. The surrounding property to the north is mostly zoned LC and developed with commercial uses along Kellogg. South, east and west of the site is the remaining SF-5 zoned single-family residential neighborhood.

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 continue to be used for single-family residences. The proposed zone change and CUP amendment would only allow ancillary parking on the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use of this site for ancillary parking should have minimal impact on nearby property. The UZC masonry wall requirement would demonstrate consistent development requirements to the neighborhood and ensure that adjacent neighbors are screened from noise, debris and head lights with a permanent screening material.

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 north of the site along Kellogg as “regional 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.

5. Impact of the proposed development on community facilities: The proposed zone change and CUP amendment should have minimal impact on community facilities.

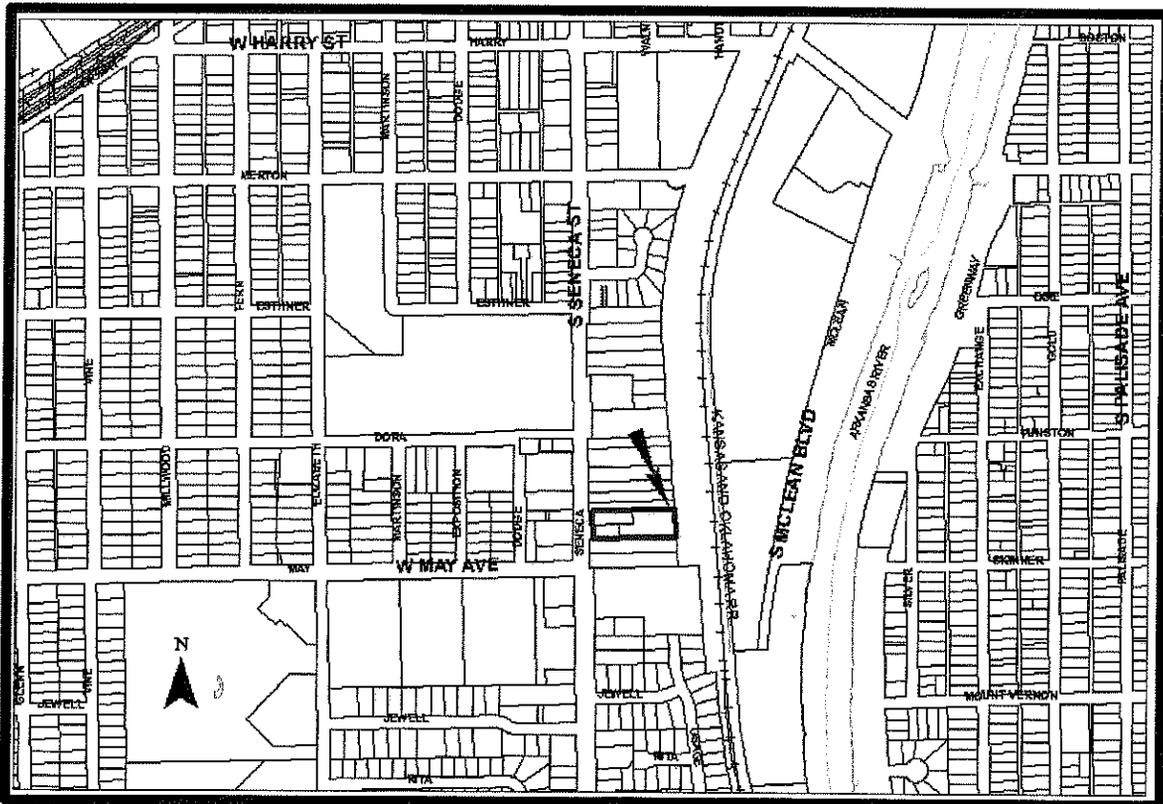


# STAFF REPORT

MAPC September 11, 2014

DAB IV September 8, 2014

- CASE NUMBER:** ZON2014-00023
- OWNER/APPLICANT:** William B. Pitts Trust, c/o William Pitts (owner), Air Capital Finance c/o Becky O'Connor (agent)
- REQUEST:** Amend Protective Overlay #9, to allow car sales
- CURRENT ZONING:** LC Limited Commercial and GO General Office
- SITE SIZE:** Approximately 0.682-acres
- LOCATION:** Generally located a half-mile south of Harry Street on the east side of Seneca Street (1920 S. Seneca Street)



**BACKGROUND:** The subject site, Lot 1, Mount Addition, has LC Limited Commercial zoning on its west 200 feet (Z-3213 and Protective Overlay PO #9) and GO General Office zoning on its east 222-213 feet. The applicant is requesting an amendment to provision #1 of PO #9 to allow car sales on the LC zoned portion of the subject site:

- (1) The uses on this site shall be limited to a financial institution, plus other uses allowed in the zoning district.

The applicant, Air Capital Finance, is a financial institution with drive thru service that proposes to display and sale cars and light trucks that it has repossessed after the financing that it had provided failed. The Air Capital Finance building and its paved parking is located on the LC zoned western half of the lot and has frontage on Seneca Street. The GO zoned eastern portion of the lot is a large paved parking area that has its northeastern quarter separated by an eight-foot tall chain link fence with barbed wire topped on it. The GO zoning district does not permit vehicle sales, vehicle storage or wrecking and salvage. A tow truck has been seen parked on this east GO zoned portion.

The UZC Unified Zoning Code also requires a Conditional Use for car sales on LC zoned property, however in this case the amendment to PO #9 serves the same purpose as a Conditional Use. The following are the supplemental conditions (with comments on the site's compliance) for car sales in the LC zoning district; UZC Sec. III-D.6.x:

- (1) Location shall be contiguous to a major street as designated in the Transportation Plan adopted by the Governing Bodies, and as amended from time to time. *The site has frontage and direct access onto Seneca Street, a paved four-lane arterial.*
- (2) Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris and noise and to preserve adjacent property values even when the change in use to vehicle and equipment sales replaces a previous use that is of equal or greater intensity. In no case shall screening be less than that required by Sec. IVB.1-3. *There is a six-eight foot tall wooden privacy fence around the north, south and east sides of the site where it abuts TF-3 Two-Family Residential zoning.*
- (3) All parking, outdoor storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public street right-of-way. *An aerial review of the site shows there is room for car sales' display in the LC zoned portion on the paved surface immediately behind the financial institutional building that would not interfere with internal circulation on the site nor reduce the required parking on the site.*
- (4) The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string-type or search lighting shall be permitted. *The applicant is not proposing any additional lighting on the site.*
- (5) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted. *The applicant is not proposing any additional lighting on the site*
- (6) No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done. *The primary use for the LC zoned portion of the site is a financial institution that wants to display and sale cars and light trucks that it has repossessed. No repair work is proposed on the site.*
- (7) Only those signs permitted in the LC district shall be permitted on this site, except that no portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted. *The applicant is not proposing any additional signage on the site*
- (8) There shall be no use of elevated platforms for the display of vehicles. *The applicant is not proposing any elevated platforms for the display of vehicles on the site.*

Vacant TF-3 Two-Family Residential property abuts the south side of the site, with a LC and GO General Office zoned self-storage warehouse and vacant LC zoned land and a church located further south. LC zoned properties located west of the site across Seneca Street are developed as a loan on a car title building, a commercial strip building (with, but not limited to, two local fast food restaurants, computer repair and retail), the Seneca Bowl bowling alley and an appliance sales store. The MF-29 Multi-Family Residential zoned Aley Public Park is

located north of the appliance store. TF-3 zoned single-family residences abut and are adjacent to the north side of the site. A TF-3 and LI Limited Industrial zoned scrap metal recycling yard and the City of Wichita's Central Maintenance complex abut and are adjacent to the east side of the site. The abutting TF-3 zoning acts as a buffer which the LI zoned scrap metal recycling yard cannot encroach into. A rail road track/spur separates the scrap metal recycling yard from the site.

**CASE HISTORY:** Lot 1, Mount Addition was recorded with the Sedgwick County Register of Deeds February 16, 1967. The west 200 feet of Lot 1, Mount Addition was rezoned, Z-3213, from GO to LC with Protective Overlay #9, January 7, 1997.

**ADJACENT ZONING AND LAND USE:**

NORTH: TF-3	Single-family residences
SOUTH: TF-3, LC, GO	Vacant properties, self-storage warehouse, church
WEST: LC	Small commercial strip building, vehicle repair garage, loan on car title business, bowling alley
EAST: TF-3, LI	Scrap metal recycling, City Central Maintenance complex

**PUBLIC SERVICES:** The site two drives onto Seneca Street, a paved, four-lane arterial with a center turn lane. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for Local Commercial category of uses. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The purpose of the LC zoning district (the requested zoning) is to accommodate retail, commercial, office and other complementary land uses. The LC zoning district is generally compatible with the Local Commercial or Regional Commercial designations of the Wichita-Sedgwick County Comprehensive Plan. The UZC Unified Zoning Code also requires a Conditional Use for car sales on LC zoned property, however in this case the amendment to PO #9 serves the same purpose as a Conditional Use.

**RECOMMENDATION:** The request would introduce car sales to this area as an accessory use to the existing financial institution. In the past the MAPC has considered car sales to this area as an accessory use to the existing financial institution with conditions. Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, subject to the following amended provisions of a PO #9:

- (a) Only cars and light trucks that have been repossessed by the site's financial institution may be placed on the site for display for sale; the west 200 feet of Lot 1, the Mount Addition. A maximum of seven cars and light trucks maybe displayed and offered for sale at any one time.
- (b) Provide a site plan showing the car and light truck display and sales area in the LC portion of the site; the west 200 feet of Lot 1, the Mount Addition.
- (c) Vehicle and equipment sales shall not be a principle use as defined by the UZC..

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The Vacant TF-3 Two-Family Residential property abuts the south side of the site, with a LC and GO General Office zoned self-storage warehouse and vacant LC zoned land and a church located further south. LC zoned properties located west of the site across Seneca Street are developed as a loan on a car title building, a commercial strip building (with, but not limited to, two local fast food restaurants, computer repair and retail), the Seneca Bowl bowling alley and an appliance sales store. The MF-29 Multi-Family Residential zoned Aley Public Park is

located north of the appliance store. TF-3 zoned single-family residences abut and are adjacent to the north side of the site. A TF-3 and LI Limited Industrial zoned scrap metal recycling yard and the City of Wichita's Central Maintenance complex abut and are adjacent to the east side of the site. The abutting TF-3 zoning acts as a buffer which the LI zoned scrap metal recycling yard cannot encroach into. A rail road track/spur separates the scrap metal recycling yard from the site.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The LC and GO zoned property could continue to operate as a financial institution within the provisions of the PO. The current zoning and use are not out of character with the area.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested amendment to PO #9 allows car and light truck sales as an accessory use to the existing financial institution. The amendment also prohibits the car sales lot as the principle use for the site, with a maximum of seven cars and light trucks on display at any one time. The intent of the amended PO #9 allows the applicant an opportunity to expand its services to its customers and the area with a minimum of visual change and a change of use to the 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 would limit car sales to this area as an accessory use to the existing financial institution. Denial of the request could impose a financial hardship on the owner.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for Local Commercial category of uses. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The purpose of the LC zoning district (the requested zoning) is to accommodate retail, commercial, office and other complementary land uses. The LC zoning district is generally compatible with the Local Commercial or Regional Commercial designations of the Wichita-Sedgwick County Comprehensive Plan. The UZC Unified Zoning Code also requires a Conditional Use for car sales on LC zoned property, however in this case the amendment to PO #9 serves the same purpose as a Conditional Use.

- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure.

CASE NUMBER: CUP2014-00025

APPLICANT/AGENT: Beech Lake Investment LLC (Johnny Stevens), Equity Bank (Gregory Klossover) / MKEC Engineering, Inc.

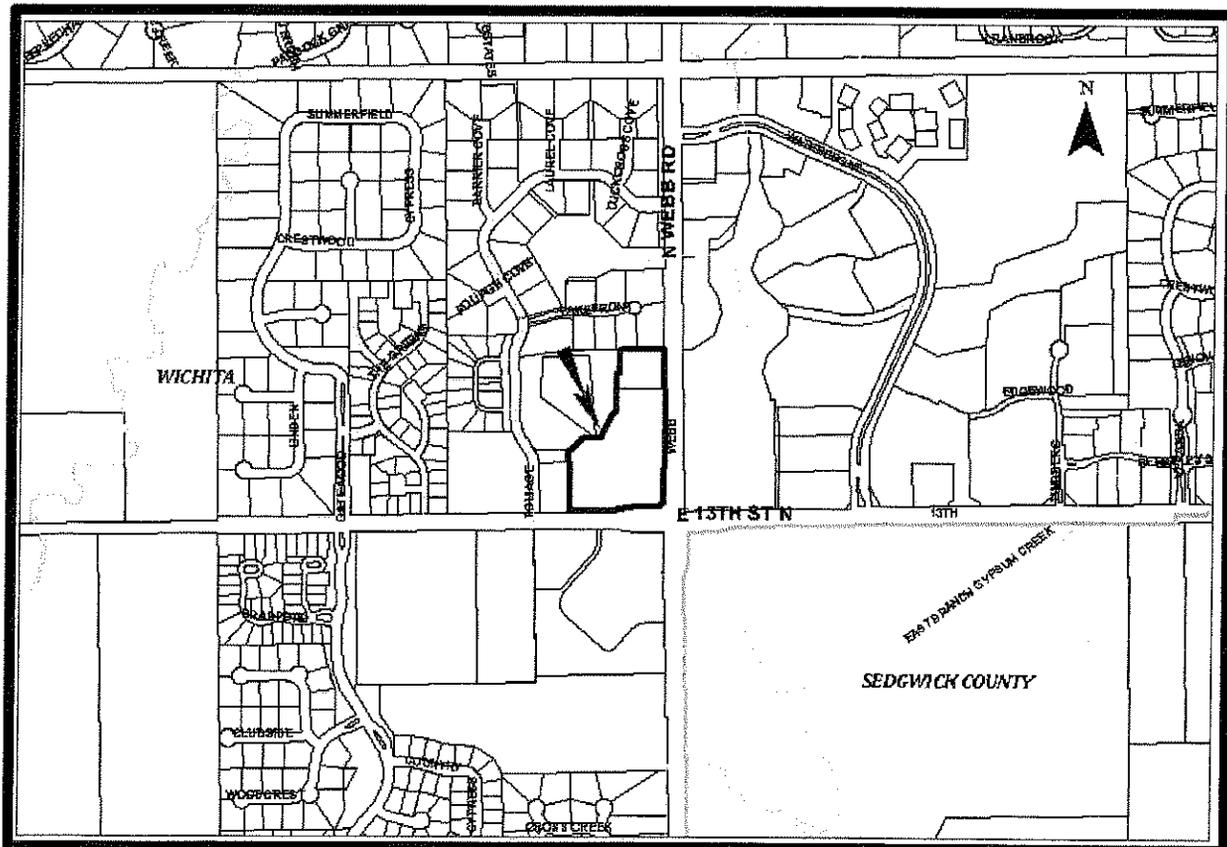
REQUEST: Amendment to the Foliage Center Community Unit Plan (CUP) DP-282 to add a new parcel to the CUP and establish use, landscape, screening, signage, lighting and other development standards for the new parcel.

CURRENT ZONING: GO General Office

SITE SIZE: 8.554 acres (new total for the CUP); 1.123 acres (size of area added to the existing CUP)

LOCATION: Northwest corner of North Webb Road and North 13<sup>th</sup> Street East

PROPOSED USE: Financial institution with LC Limited Commercial district signage rights



**BACKGROUND:** The applicants are seeking a number of amendments to the Foliage Center Community Unit Plan (CUP) DP-282 located at the northwest corner of North Webb Road and North 13<sup>th</sup> Street East. Amendments proposed by the applicants include:

- 1) Increase the area of the CUP from 7.431 acres to 8.554 acres. (General Provision 1)
- 2) Create a new Parcel 3 with the new 1.123 GO General Office (GO) zoned acres added to the original CUP. Establish for Parcel 3 a maximum building height of 35 feet, maximum building coverage of 30 percent, maximum gross floor area of 35 percent and building setbacks ranging from zero to 35 feet. (General Provision 2)
- 3) Parcel 3 shall be limited to the following GO zoning district use: “Bank or financial institution” with drive-thru permitted by right, and “office, general.” (General Provision 3.A)
- 4) A 12-foot wide landscape buffer shall run parallel with the west and north property lines of Parcel 3 where abutting residential areas/zoning. Said landscape buffer may be reduced to allow for a drive aisle on the north, so long as the landscaping with that portion of the buffer meets or exceeds 1.5 times the requirements of the Landscape Ordinance. (General Provision 6.C)
- 5) Trash receptacles, loading docks, outdoor storage and loading areas shall be appropriately screened to reasonably hide them from ground view except, if not visible from public rights-of-way *or if not directly visible from ground view from adjoining residential/zoning area*. The screening materials shall be consistent with materials and colors of the supported buildings. Trash enclosures shall be allowed within 20 feet of property lines if not visible from public rights-of-way but shall not be closer than five feet from the westerly property lines. *Trash enclosures are not permitted along the northern boundary of Parcel 3 and there shall be no outdoor storage on Parcel 3.* (General Provision 7.B)
- 6) *All parcels* shall adhere to the requirements of the Sign Code for the City of Wichita for the LC zoning district, except as provided herewith: (General Provision 9.A)  
No flashing, *animated* or moving, portable, billboard, banner, *off-site* or pennant signs shall be permitted except; however, *two* electronic message signs *are* allowed along Webb Road, *one on Parcel 1 and one on Parcel 3.* (General Provision 9.B) All signs along and adjacent to 13<sup>th</sup> and Webb streets shall be monument type signs with a maximum height of 20 feet, *except for Parcel 3 where no monument sign shall exceed 12 feet in height.* (General Provision 9.C)  
*Eight* monument signs are permitted: *five* along Webb Road and three along 13<sup>th</sup> Street. The sign areas shall be limited to a maximum of 150 square feet each along Webb Road and 145 square feet each along 13<sup>th</sup> Street. Stand alone development identification signs shall count against the above total allowed seven monument signs. Development identification signs may also have tenant signage. *No illuminated monument signs over 10 square feet are allowed with the north 150 feet of Parcel 3.* (General Provision 9.D)  
Building signage shall be permitted within the CUP. Building signage on *Parcels 1 and 2* shall be limited to 20 percent of the wall area with no single tenant sign exceeding 400 square feet in area, and there shall be no more than six signs for each tenant (business) on each building elevation. *Building signage on Parcel 3 shall be limited to a total of 250 square feet.* There shall be no building signage along the westerly facades of any buildings on Parcels 1 and 3 abutting the western boundary of the CUP *nor shall any building signage of any kind be allowed on any building facing the northerly line of Parcel 3.* (General Provision 9.F)
- Accent lighting of monument and directional/*way-finding* signs shall be permitted. (General Provision 9. G)
- 7) Light poles including above ground bases shall be limited to 28 feet tall and no light poles shall be within 100 feet of residential zoning, *except; however, on the north line of Parcel 3, two light poles may be located no closer than 12 feet of the north property line having a maximum height of 15 feet with shielding to cast light in a downward direction and directed away from residential areas/zoning to the north, and except however on the east line of Parcel 3, where one light pole may be located no closer than 30 feet of the west property line having a maximum height of 15 feet with shielding to cast light in a*

*downward direction and directed away from residential areas/zoning to the west. No wall-pack lighting is allowed within the north 150 feet of Parcel 3, unless, however, such wall-pack lighting is shielded to cast light in a downward direction and directed away from residential areas/zoning and such wall-pack lighting shall not be placed higher than 10 feet off the ground. (General Provision 10.D)*

Other amendments are proposed but those additional amendments deal with renumbering existing development standards and do not involve changes in existing development standards other than renumbering existing development standards that will be retained.

Currently the Foliage Center contains 7.431 acres zoned LC Limited Commercial (LC) subject to the development standards found in the Foliage Center Community Unit Plan (CUP) DP-282. The existing Foliage Center CUP contains two parcels, and permits all uses allowed by-right in the LC zoning district except uses specified by General Provision 3 of DP-282, such as: adult entertainment, car wash, nightclub, tavern or drinking establishments. The applicants are seeking to add 1.123 GO zoned acres (proposed Parcel 3) to the northern boundary of the existing CUP, for a total CUP area of 8.554 acres. The area proposed to be added to the CUP is being developed with a financial institution. Approval of the request allows the bank under construction on proposed Parcel 3 to use LC zoning sign standards requested above instead of GO district sign standards. The City's Sign Code limits GO zoned property to 32 square feet for a pole sign. The City's Sign Code permits LC zoned properties to have pole signage of .8 square feet per foot of street frontage (151.59 square feet) or whatever signage area or number of signs that are permitted by the CUP. The signage requested for the CUP is described above in item 6 above.

The application area is located at the intersection of two arterial streets that carry between 14,700 and 20,700 average daily vehicle trips. Located north of the expanded application area is the easternmost edge of a SF-5 Single-family Residential (SF-5) zoned neighborhood named The Foliage. East of the site, across North Webb Road is a lake associated with the LI Limited Industrial (LI) zoned Waterfront commercial center. Southeast of the site is LI zoned land that was once a corporate private park and recreation area but is now privately owned. South of the site is property zoned GO and LC and is either developed with an office building or is undeveloped. Land to the west is developed with The Foliage single-family residential neighborhood. There is an existing five-foot tall masonry wall located along the north and west property line of the application area. There is also a significant berm and landscape buffer located along the west side of the application area that owned is by The Foliage Home Owners Association or by individual residential lot owners located in the Foliage 2<sup>nd</sup> Addition. The previously noted berm and landscaping ends approximately 100 feet short of the application area's northern boundary. It also appears that there is an access point to one of the residential lots located along the northern property line of proposed Parcel 3. Per General Provision 6.C a 12-foot wide landscape buffer shall run parallel with the west and north property line of Parcel 3 where abutting residential areas/zoning.

**CASE HISTORY:** The City Council approved CUP 2005-00009 and ZON2005-00006 on May 3, 2005, which created the Foliage Center Addition CUP DP-282. The Foliage Center Addition was recorded in January 2009. On June 9, 2008, administrative adjustment CUP2008-00020 was approved which permits building height to 40 feet and the height of unoccupied architectural elements up to 55 feet. On April 28, 2014, administrative adjustment CUP2014-00010 was approved; this administrative adjustment permitted a 28-foot maximum pole height for lighting and prohibited the placement of light poles within 100 feet of residential zoning. On November 4, 2013, administrative adjustment CUP2013-00039 was approved, which permitted: a main entry sign of up to 149.5 square feet plus the "Whole Foods Market" sign; temporary sign of 64 square feet that will have its message replaced three times during an 86 day time period and five blade signs, 16.84 square feet each or a total of 84.2 square feet. CUP2014-00017 and ZON2014-00014 were applications that were approved by MAPC on July 24, 2014, that rezoned a portion of the site (not including the bank) located immediately south of the bank from GO to LC and

modified landscaping, screening, setback and signage standards (scheduled for City Council consideration on August 26, 2014). Conditional Use case CON2013-00007 and zone change ZON2014-00005 zoned proposed Parcel 3 to GO and permitted a bank or financial institution.

**ADJACENT ZONING AND LAND USE:**

North: SF-5; single-family residences  
South: GO and LC; office and undeveloped  
East: LI; retail, banking and office center  
West: SF-5; single-family residences

**PUBLIC SERVICES:** The site is served by all normally supplied public and private services and utilities. At the subject site Webb Road and 13<sup>th</sup> Street have 75 feet of right-of-way at the intersection tapering to 60 feet and are four-lane arterials with left turn lanes. The Webb Road-13<sup>th</sup> Street intersection carries between 14,700 and 20,700 average daily trips.

**CONFORMANCE TO PLANS/POLICIES:** The May 2005 “Wichita Land Use Guide” map identifies a majority of the site as appropriate for low density residential; a smaller portion is recommended for commercial development. However, with City Council approval of CUP2005-00009 and ZON2005-00006 that expanded LC zoning from a smaller area, subject to CUP DP-282, the entire application area is appropriate for commercial development.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared, staff recommends approval of the request subject to the following conditions (only those provisions listed below are amend, all other provisions remain in effect and unchanged (except for changes in general provision numbering):

General Provision 1. The total development contains 8.554 acres.

General Provision 2. Add Parcel 3 with the following development standards. Gross Area = 1.123 acs. or 48,951 s.f.; Maximum building height = 35feet; Maximum coverage = 30 percent; Maximum Gross Floor Area = 35 percent and Setbacks: front 35 feet, rear 35 feet, side (north) 25 feet and side (south) 0 feet subject to appropriate fire wall separation.

General Provision 3.A. In addition to allowable uses described for Parcels 1 and 2, add: Parcel 3 shall be limited to the following GO zoning district use: “Bank or financial institution” with drive-thru permitted by right, and “office, general.”

General Provision 6.C. A 12-foot wide landscape buffer shall run parallel with the west and north property lines of Parcel 3 where abutting residential areas/zoning. Said landscape buffer may be reduced to allow for a drive aisle on the north, so long as the landscaping with that portion of the buffer meets or exceeds 1.5 times the requirements of the Landscape Ordinance.

General Provision 7.B. Trash receptacles, loading docks, outdoor storage and loading areas shall be appropriately screened to reasonably hide them from ground view except, if not visible from public rights-of-way *or if not directly visible from ground view from adjoining residential/zoning area*. The screening materials shall be consistent with materials and colors of the supported buildings. Trash enclosures shall be allowed within 20 feet of property lines if not visible from public rights-of-way but shall not be closer than five feet from the westerly property lines. *Trash enclosures are not permitted along the northern boundary of Parcel 3 and there shall be no outdoor storage on Parcel 3.*

General Provision 9.A. *All parcels* shall adhere to the requirements of the Sign Code for the City of Wichita for the *LC zoning district*, except as provided herewith:

General Provision 9.B. No flashing, *animated* or moving, portable, billboard, banner, *off-site* or pennant signs shall be permitted except; however, *two* electronic message signs *are* allowed along Webb Road,

one on Parcel 1 and one on Parcel 3.

General Provision 9.C. All signs along and adjacent to 13<sup>th</sup> and Webb streets shall be monument type signs with a maximum height of 20 feet, *except for Parcel 3 where no monument sign shall exceed 12 feet in height.*

General Provision 9.D. *Eight* monument signs are permitted: *five* along Webb Road and three along 13<sup>th</sup> Street. The sign areas shall be limited to a maximum of 150 square feet each along Webb Road and 145 square feet each along 13<sup>th</sup> Street. Stand alone development identification signs shall count against the above total allowed seven monument signs. Development identification signs may also have tenant signage. *No illuminated monument signs over 10 square feet are allowed with the north 150 feet of Parcel 3.*

General Provision F. Building signage shall be permitted within the CUP. Building signage on *Parcels 1 and 2* shall be limited to 20 percent of the wall area with no single tenant sign exceeding 400 square feet in area, and there shall be no more than six signs for each tenant (business) on each building elevation. *Building signage on Parcel 3 shall be limited to a total of 250 square feet.* There shall be no building signage along the westerly facades of any buildings on Parcels 1 and 3 abutting the western boundary of the CUP *nor shall any building signage of any kind be allowed on any building facing the northerly line of Parcel 3.*

General Provision 9. G. Accent lighting of monument and directional/*way-finding* signs shall be permitted.

General Provision 10.D. Light poles including above ground bases shall be limited to 28 feet tall and no light poles shall be within 100 feet of residential zoning, *except; however, on the north line of Parcel 3, two light poles may be located no closer than 12 feet of the north property line having a maximum height of 15 feet with shielding to cast light in a downward direction and directed away from residential areas/zoning to the north, and except however on the east line of Parcel 3, where one light pole may be located no closer than 30 feet of the west property line having a maximum height of 15 feet with shielding to cast light in a downward direction and directed away from residential areas/zoning to the west. No wall-pack lighting is allowed within the north 150 feet of Parcel 3, unless, however, such wall-pack lighting is shielded to cast light in a downward direction and directed away from residential areas/zoning and such wall-pack lighting shall not be placed higher than 10 feet off the ground.*

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located at the intersection of two arterial streets that carries between 14,700 and 20,700 average daily vehicle trips. North of the bank is the easternmost edge of SF-5 Single-family Residential (SF-5) zoned The Foliage neighborhood. East of the site, across North Webb Road is a lake associated with the LI zoned Waterfront commercial center. Southeast of the site is LI zoned land that was once a corporate private park and recreation area but is now privately owned. South of the site is property zoned GO and LC and is either developed with an office building or is undeveloped. Land to the west is developed with The Foliage single-family residential neighborhood. A significant berm and landscaping buffer is located along The Foliage neighborhood's east and northern property line.
2. The suitability of the subject property for the uses to which it has been restricted: The land located within the original CUP is currently zoned LC subject to the development standards contained in CUP DP-282. The site could be developed and used as currently zoned. Approval of the request permits the bank the opportunity to use the LC signage standards requested above instead of GO signage standards of 32 square feet for a pole sign.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is

currently not part of DP-282 and is limited to uses permitted in the GO zoning district and to GO district signage. The requested changes do not significantly increase the intensity of development already permitted on the site and are consistent with the development standards initially approved. The recommended conditions of approval minimize detrimental impacts to nearby properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Presumably denial would represent a loss of economic opportunity to the property owner. If approved, the CUP becomes flexible and potentially provides more choice to potential customers located in the neighborhoods in the general area.
5. Length of time the property has been vacant as currently zoned: Construction has begun on the site.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The May 2005 "Wichita Land Use Guide" map identifies a majority of the site as appropriate for low density residential; a smaller portion is recommended for commercial development. However, with City Council approval of CUP2005-00009 and ZON2005-00006 that expanded LC zoning, subject to CUP DP-282, the entire application area is appropriate for commercial development.
7. Impact of the proposed development on community facilities: Existing or planned facilities are adequate to serve programmed or anticipated demand.



**Wichita-Sedgwick County Metropolitan Area Planning Commission**  
 September 11, 2014

**TO:** Wichita-Sedgwick County MAPC Members  
**FROM:** Wichita-Sedgwick County Metropolitan Area Planning Department  
**SUBJECT:** City of Wichita Pedestrian Master Plan  
**AGENDA:** New Business

**Recommendation:** It is recommended that the MAPC recommend endorsement of the Plan by the Wichita City Council.

**Background:** The DRAFT City of Wichita Pedestrian Master (Plan) is a 10 year guide for how the City of Wichita (City) should improve conditions for walking. More than 50 events have been held with opportunities for individuals to participate in the planning process by completing surveys, serving on committees, participate in community meetings, and attending open house events. The Plan includes a vision, goals, actions, priorities, design guidance, and performance measures.

On April 16, 2013, the City Council approved a Wichita Bicycle and Pedestrian Projects Memorandum of Understanding (MOU) between the YMCA, acting as the fiscal agent for the Health and Wellness Coalition of Wichita, and the City. The MOU’s purpose is to support projects that make it easier, safer, and more convenient for people to walk and bike within the City. The projects identified in the MOU included the creation of a Pedestrian Master Plan.

On May 14, 2013 the City Council approved the selection and contract with Toole Design Group to undertake the preparation of the Plan. A 16-member Steering Committee was created and appointed by the Wichita Bicycle and Pedestrian Advisory Board to help oversee the planning process. The Steering Committee included representatives that provided the following perspectives: USD259, Bike Walk Wichita, WAMPO, KDOT, Wichita Bicycle and Pedestrian Advisory Board, seniors, young professionals, Wichita-Sedgwick County Access Advisory Board, and other stakeholders.

Over the last year, the planning Steering Committee has worked closely with the Plan Technical Advisory Committee comprised of City staff members and the community at-large to create a plan that meets the needs of our community. There have been many different public input opportunities related to the Plan, including 11 Steering Committee meetings; 2 open house events, and 11 focus groups/listening sessions. Individuals have also had opportunities to provide comments online – 137 people completed the online survey, 157 comments were submitted on the interactive mapping tool, and 467 interactions on the Activate Wichita Pedestrian Plan topic.

The Plan was presented to all of the District Advisory Boards (DABs), and the Wichita Transit Advisory Board. All six DABs and the Wichita Transit Advisory Board recommend that the City Council endorse the Plan. In addition, the Plan was presented to the Wichita-Sedgwick Access Advisory Board. The Access Advisory Board recommended that the City Council adopt the Pedestrian Plan, provided that the Sidewalk Ordinance be amended such that: “Sidewalk must be installed or rehabilitated when any street is constructed, reconstructed, resurfaced, or restored. If sidewalk is not to be installed or rehabilitated, any waiver of the installation of the sidewalk must be by a separate vote of the City Council.”

**Analysis:** The Plan includes the following three goals.

- Goal 1: Provide a safe and welcoming pedestrian network

- Goal 2: Improve community accessibility and connections for pedestrians
- Goal 3: Promote a citywide culture of walking

In order to accomplish the goals - the Plan contains strategic recommendations for improvements split into the following categories: Engineering, Encouragement, Education, Enforcement, Maintenance and Construction; and Plan Implementation.

### Engineering

Since pedestrian infrastructure is located throughout the city, the Plan includes a mix of recommendations that can apply at different levels: city-wide, neighborhood, and specific locations. The Plan also includes recommendations for policies and programs to make improvements in the short-term and long-term.

The Plan includes design guidance for street-related improvements that can help to ensure that projects throughout Wichita reflect best practices – improving pedestrian safety and encouraging more walking trips. The design guidance includes a graphic representing the best practice design, a photo example, description, benefits, and the crash reduction factor. The guidance addresses roadway crossings, intersections, and traffic calming. The design guidance can benefit both public and private projects.

At the neighborhood level, the Plan identifies typical pedestrian related challenges and design treatments that can be used to address those challenges. The information is provided according to five types of general street patterns: Downtown Grid, Residential Grid, Grid and Curvilinear, High Density Curvilinear with Cu-de-Sacs, and Low Density Curvilinear with Cul-de-Sacs. The Plan provides a toolbox that residents can use to help make it safer and easier to walk in their neighborhood.

The Plan does not include a map that recommends where individual improvements are needed, instead it recommends processes and programs that can be used to identify specific location improvements based on strategic priorities. For example, the Plan includes recommendations for senior walking routes and student walking routes. Once walking routes are identified, then inventories can be used to identify specific improvements that are needed (i.e. crosswalks, sidewalks, etc.)

### Encouragement; Education; Enforcement; Maintenance and Construction; and Plan Implementation

The Plan includes recommendations for 9 strategies with related actions related to the non-Engineering category improvements. A listing of the strategies is available in the attached Plan Executive Summary.

### Prioritization and Funding

Recommendations within the Plan can be scaled up or down depending on available resources. Many of the recommendations are for activities that the City already does (i.e. marked crosswalks, intersection improvements, safety education, etc.). Although the Plan does not contain recommendations for improvements at specific locations, it does include planning level cost estimates for typical pedestrian treatments. The Plan also includes information on a variety of local, federal and other sources that can be used to fund pedestrian projects. The information includes a matrix for quick reference and descriptions of the funding sources.

The Plan includes information to assist with establishing priorities, because resources and timing don't generally allow for every project and improvement to be undertaken at once. The recommended prioritization criteria/considerations are: does it serve students; does it serve the senior population; does it fill in a gap in the existing system; is it on a safety corridor; is it on a transit route; does it connect to retail/service destinations; does it connect to a public park or public amenity; does it address a public concern.

**Financial Considerations:** No funding is attached to the Plan, and endorsement by the City Council does not involve any commitment by the City for future funding. It is a future guide for pedestrian related infrastructure, policies, and programs. Any funding to implement the Plan will need to be initiated through a separate process.

**Recommendations/Actions:** It is recommended that the MAPC recommend that the City Council endorse the Plan.

**Attachments:**

*City of Wichita Pedestrian Master Plan Executive Summary*

Please note that all the Bike Plan documents are available on the project website at [www.wichita.gov](http://www.wichita.gov) .

# EXECUTIVE SUMMARY



The Wichita Pedestrian Master Plan (Plan) is a guide for how the City of Wichita can improve conditions for walking over the next 10 years. Wichita residents have indicated a desire to improve conditions for walking, and especially to make needed safety improvements. Wichita residents currently walk for 1.3 percent of trips to work, yet pedestrians account for 16.8 percent of traffic fatalities in the city.<sup>1</sup> In addition to a desire for safety improvements, Wichita residents shared the following perspectives about the Wichita pedestrian environment:

- » Twenty six percent of residents in the region felt that the lack of safe and accessible sidewalks and other pedestrian facilities was currently a problem and a further 26 percent felt it is an emerging problem.<sup>2</sup>
- » Improving safety on roadways ranks second out of 16 priority options for roadway improvements for residents in the region.<sup>2</sup>
- » Nearly 93 percent of survey participants agree or strongly agree that Wichita should help seniors, those who are disabled, and low-income residents meet their transportation needs.<sup>3</sup>
- » Forty five percent of citizens rated walking conditions in Wichita as “good” or “excellent.” When compared to other cities of its size, Wichita is considerably below the national benchmark.<sup>4</sup>
- » Sidewalk maintenance was rated a 40 out of 100, much below the nationwide benchmark.<sup>4</sup>
- » The most popular recreational activities in Wichita include: walking for pleasure (#1), dog walking (#4), and nature walks (#9).<sup>5</sup>
- » Residents want to be able to walk to Wichita parks and want help finding their way to trails.<sup>5</sup>

<sup>1</sup> Alliance for Biking and Walking. “Bicycling and Walking in the United States: 2014 Benchmarking Report.” 2014.

<sup>2</sup> WAMPO Household Travel Survey. 2010 - 2011.

<sup>3</sup> Wichita-Sedgwick County Community Investments Plan Community Survey. 2013

<sup>4</sup> National Citizen Survey. 2012.

<sup>5</sup> Wichita Parks, Recreation and Open Space Plan Survey. 2007.

This Plan presents an opportunity for the City of Wichita to build on what residents already find to be valuable community assets, while continuing to improve the pedestrian environment for all users of the transportation system. Walking is the most basic form of transportation. Improving the pedestrian environment – the “walkability” of a place – can result in significant improvements in the public health, safety, and the economic well-being of a community.

## **PUBLIC INPUT AND THE PLANNING PROCESS**

This Plan reflects public input received throughout the planning process. This included numerous opportunities and different formats for stakeholders to provide input, including: Steering Committee meetings; two (2) public open house events; multiple listening sessions; an online survey; and an online interactive map. Ultimately, the planning process was guided by a Steering Committee of Wichita citizens and stakeholders who were assisted by a Technical Advisory Committee comprised of City staff.

One overarching theme from the public input was a desire to improve conditions for walking in Wichita and make it safer for all pedestrians. Stakeholders emphasized the need to improve the pedestrian network for seniors and children. Making and enhancing connections between and within neighborhoods was also strongly desired. The Vision, Goals, Strategies, and Actions were developed to reflect the public input.

## **THE WICHITA PEDESTRIAN PLAN VISION AND GOALS**

### *The Wichita Pedestrian Vision*

*By 2024, the City of Wichita will be a pedestrian friendly community and a place where walking is an easy choice in all people's daily lives. Wichita residents and visitors will have access to high quality and safe walking environments that connect all neighborhoods, destinations, and other modes of transportation, while contributing to a stronger, healthier, and more vibrant Wichita.*

### **Goals**

#### ***Goal 1: Provide a safe and welcoming pedestrian network***

Improving safety for all roadway users is essential to creating a pedestrian-friendly community.

*Performance Measure Target: Reduce the pedestrian fatality rate by one third over the next 10 years.*

#### **Baseline:**

- » The Bicycling and Walking in the United States 2014 Benchmarking Report reports the 2009-2011 Pedestrian Fatality Rate for Wichita at 16.8. Pedestrian Fatalities per 10,000 daily pedestrian commuters is calculated by dividing the average number of annual pedestrian fatalities from crashes with motor vehicles (obtained from KDOT data) by the estimated average annual number of commuters walking to work (obtained from U.S. Census American Community Survey three year estimate) - divided by 10,000.<sup>6</sup>

<sup>6</sup> Alliance for Biking and Walking. “Bicycling and Walking in the United States: 2014 Benchmarking Report.” 2014.



**Goal 2: Improve community accessibility and connections for pedestrians**

Reducing barriers to transportation by building network connections will make the walking environment in the City of Wichita more accessible to everyone.

*Performance Measure Target: Increase the amount of walking in Wichita by 50% over the next 10 years.*

**Baselines:**

- » The U.S. Census Bureau 2010-2012 American Community Survey 3-Year Estimates reports that walking is the primary means of transportation to work for 1.3 percent of Wichita resident workers age 16 and over.
- » The 2013 WAMPO bicycle and pedestrian counts conducted for two hour periods on a weekend and a weekday reported 724 pedestrians counted at count locations in Wichita.

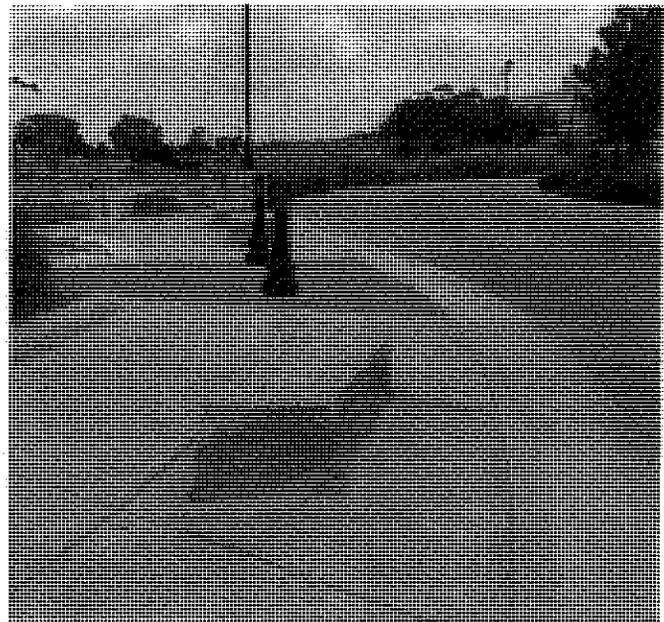
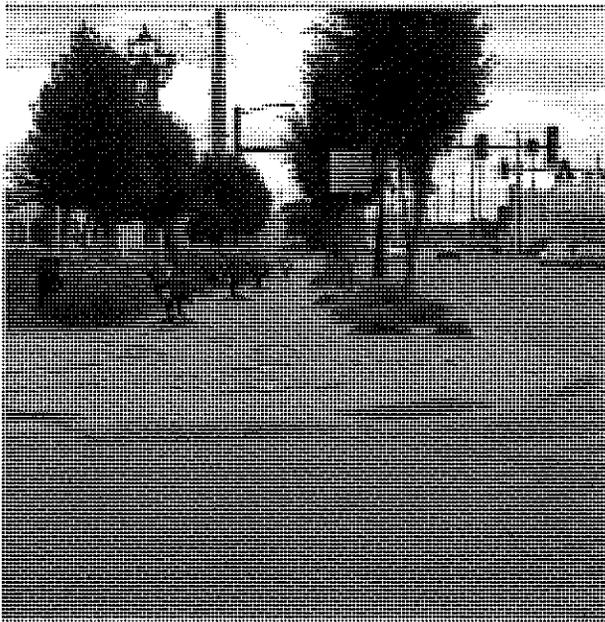
**Goal 3: Promote a citywide culture of walking**

Providing a citywide environment where walking is available as a comfortable everyday option provides the population of Wichita with more transportation and recreation options.

*Performance Measure Target: Increase the percentage of survey respondents rating ease of walking in Wichita as "excellent or good" to at least 60 percent.*

**Baseline:**

- » As part of the 2012 National Citizen Survey, 45 percent of Wichita survey respondents rated the ease of walking in Wichita as "excellent" or "good."



The following ten strategies are recommended for implementation over the next 10 years to achieve the goals and realize the vision of this Plan.

***Strategy 1 - Implement the Design Guidance Included in Chapter 7 of this Plan***

Following a set of comprehensive design guidelines can provide consistent, useful direction to practitioners help reduce crashes, improve access, create a better walking environment, and set consistent expectations for pedestrians. This strategy recommends that the City incorporate this Plan's design guidance into City guidelines, projects and review processes.

***Strategy 2 - Create a Marked Crosswalk Policy***

It is recommended that the City develop a policy to help formalize a consistent approach for marked crosswalks. This will help improve safety and set consistent expectations for all street users. It is also recommended that the City review and update existing marked crosswalks.

***Strategy 3 - Focus Pedestrian Improvement Resources on Improving Safety at Intersections***

Crashes involving pedestrians and motor vehicles typically occur at intersections. Focusing resources on improving the design of intersections is the single best way to reduce the number of crashes and injuries involving pedestrians. It is recommended that the City identify high priority intersections for improvements and include pedestrian safety as a factor in capital projects selection processes.

***Strategy 4 - Provide Sidewalks along Arterial Streets***

It is recommended that the City continue to install sidewalks along arterial streets, and that the City utilize a prioritization process to ensure that new sidewalks are in locations that will have the greatest benefit to the community.

***Strategy 5 - Improve Pedestrian Infrastructure near Senior Centers, Housing and Destinations***

Seniors are encouraged to walk to maintain and promote health, independence, and social interaction. At the same time, the percentage of pedestrian fatalities that involve seniors is

disproportionately high compared to their representation in the general population.<sup>7</sup> It is recommended that the City work with other community partners to respond to requests for improvements along senior walking routes.

***Strategy 6 – Improve Safety by Improving Pedestrian Infrastructure near Schools***

It is recommended that the City work with other community partners to identify school walking routes and identify improvements. It is also recommended that the City continue its support of school districts to upgrade school curbside management plans that make it safer to walk to school.

***Strategy 7 – Make Maintenance of Pedestrian Infrastructure a Priority***

The City already has a significant network of sidewalks and pedestrian infrastructure. Maintaining the existing pedestrian infrastructure is necessary to improve pedestrian safety, encourage more walking, and save money by increasing facility life. It is recommended that the City review and update the process for identifying and prioritizing pedestrian maintenance needs and improve the way that people can report concerns regarding pedestrian facility maintenance.

***Strategy 8 - Plant and Maintain Street Trees***

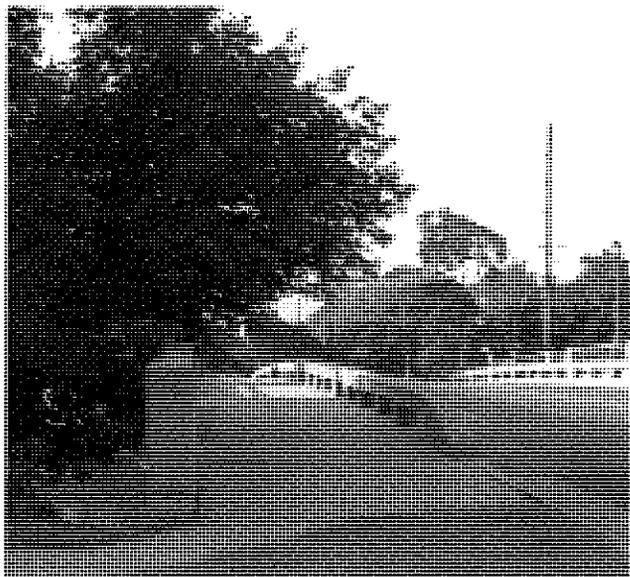
It is recommended that the City continue providing trees along roadways by incorporating street trees in capital projects, and seek funding/partnerships to maintain existing and new street trees.

***Strategy 9 – Support Efforts to Encourage Walking to School and Safety Education***

Walking provides freedom and independence to younger populations. It is recommended that the City continue to support partner organizations to encourage and support participation in national “Walk to School Day.”

***Strategy 10 – Monitor and Update the Implementation Plan***

It is recommended that the City create an annual work plan and develop an annual progress report. It is also recommended that the City provide training and adequate staffing to implement this Plan.



<sup>7</sup> US Department of Transportation National Highway Traffic Safety Administration. “Traffic Safety Facts.” 2012.

Apart from the “Top 10” strategies recommended for implementation over the the next 10 years, there are a number of longer-term strategies that should also be considered including those listed below:

- » Strategy 11– Make Area-Specific Pedestrian Improvements
- » Strategy 12 – Improve Pedestrian Access to Buildings
- » Strategy 13 - Improve Pedestrian Connections to Transit
- » Strategy 14– Encourage Walking for Fun, Health, and Transportation
- » Strategy 15 – Provide Pedestrian Wayfinding
- » Strategy 16 – Support Safety Education Programs that Focus on Changing Pedestrian, Bicycle and Motorist Behavior
- » Strategy 17– Develop Enforcement Strategies that Focus on Changing Pedestrian and Motorist Behaviors that Cause Crashes
- » Strategy 18 – Maintain Pedestrian Access During Construction

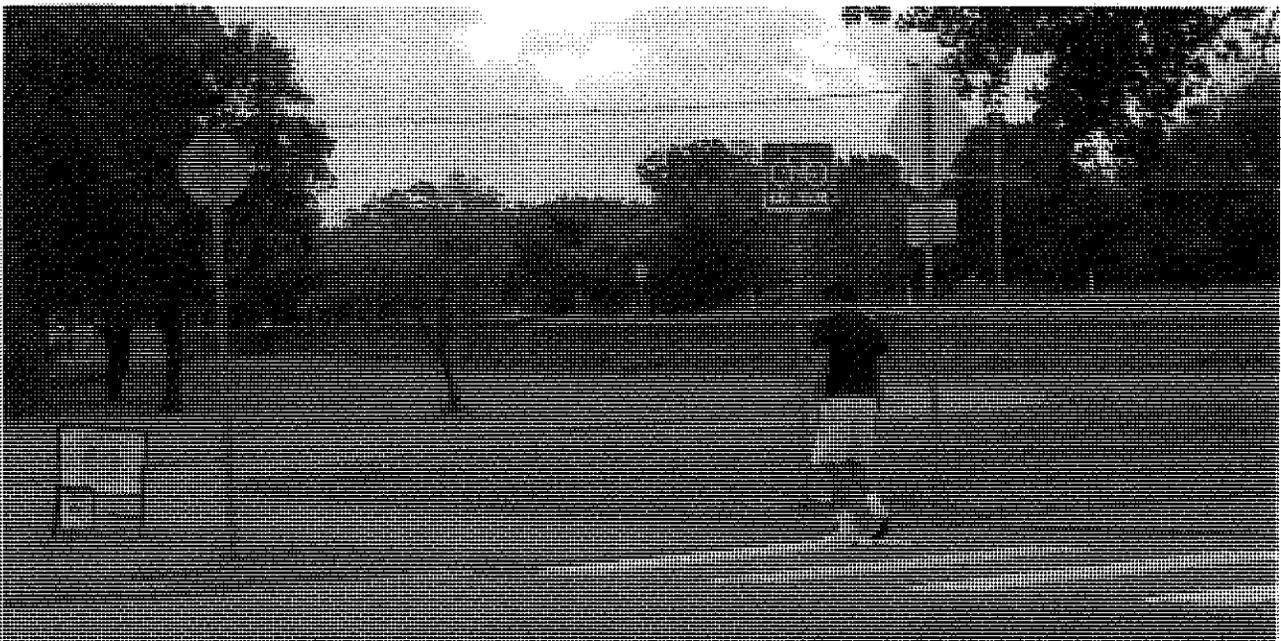
## **MAKING PROGRESS**

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An essential part of this plan is establishing a process for evaluating progress and adjusting annual work plans to react to identified priorities. Maintaining an annual work plan and progress report can be important to help achieve year to year progress. It can also be important to have a clear understanding of the costs of pedestrian infrastructure, and to identify potential infrastructure and program funding sources.

### ***Annual Work Plan and Implementation Progress Report***

Establishing a process for setting short-term targets, ensuring accountability, and celebrating successes can be one of the best ways to make progress implementing this Plan over the next 10 years.



An annual implementation work plan can be used to focus attention on areas identified as lacking, be a mechanism to look for opportunities to take advantage of public and private projects, and a chance to reconsider how resources are being allocated. It should identify annual performance targets for implementation of this plan. A draft 2014-2015 Annual Implementation Work Plan is provided as Appendix G.

To monitor the progress of implementation, a progress report should be prepared on an annual basis. This document should illustrate progress relative to the goals and performance measures expressed in this plan, and provide an opportunity to celebrate major accomplishments. The progress report should be geared toward the public as the primary audience, but can also be used by the Bicycle and Pedestrian Advisory Board and the City Council as they review progress and recommend future actions.

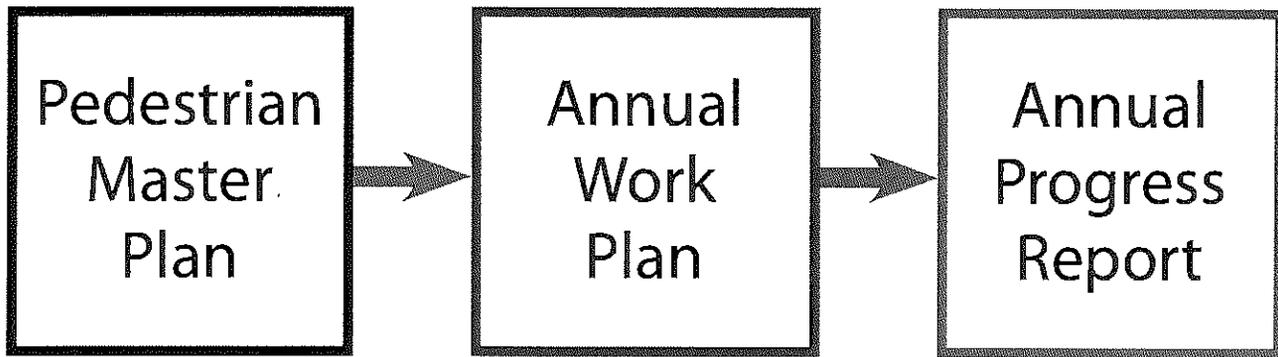


Figure I: Pedestrian Plan Implementation

**Infrastructure Costs & Potential Funding Sources**

The cost of pedestrian infrastructure varies by location depending on many factors. However, a general sense of the scale of these costs is important for planning and project development. Chapter 5 provides additional information on planning level cost estimates for pedestrian infrastructure. The cost estimate information should only be used for planning level estimates and not for determining actual bid prices for a specific infrastructure project. Cost estimates can be refined as a potential project moves from planning to design and construction. The figure below illustrates how the cost estimates are refined as a project moves through the design process.

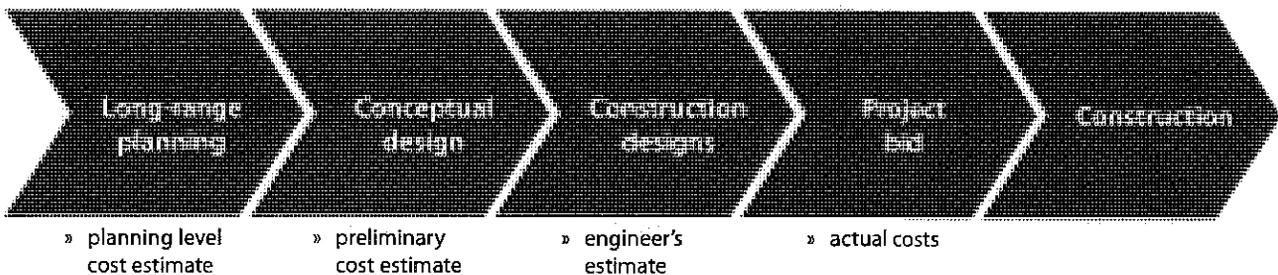


Figure II: Cost Estimates for Planning and Design Phases

Pedestrian projects and programs can be developed either as stand-alone projects or as part of other projects through routine accommodation (e.g. including a crosswalk as part of a repaving project), which generally costs less compared to undertaking a project separately.

Table I: Pedestrian Projects Funding Sources Summary Matrix

Project Type	Local			Federal						Other		
	RA	BGT	CIP	STP	HSIP	402	NHPP	CMAQ	RTP	TAP	P/P	C/R
Pedestrian Plan		X		X							X	
Paved Shoulders	X		X	X	X		X	X		X	X	
Shared Use Path/Trail	X		X	X	X		X	X	X	X	X	
Spot Improvement Program	X	X	X	X	X			X		X	X	X
Maps		X		X		X		X		X		
Sidewalks, new or retrofit	X	X	X	X	X		X	X		X	X	X
Crosswalk, new or retrofit	X	X	X	X	X		X	X		X	X	X
Trail/Highway Intersection	X	X	X	X	X		X	X	X	X		
Signal Improvements	X	X	X	X	X		X	X		X	X	X
Curb Cuts/Ramps	X	X	X	X	X		X	X		X	X	X
Traffic Calming	X	X	X	X	X					X	X	X
Coordinator Position		X						X				
Safety/Education Position		X		X		X				X		
Police Patrol		X				X				X		
Safety Brochure/Book		X		X		X		X	X		X	
Training		X		X		X		X	X		X	
Technical Assistance		X		X				X		X	X	

RA = Routine Accomodation

BGT = Budget

CIP = Capital Improvement Program

STP = Surface Transportation Program

HSIP = Highway Safety Improvement Program

402 = State and Community Highway Safety Program, Section 402

NHPP = National Highway Performance Program

CMAQ = Congestion Mitigation and Air Quality Improvement Program

RTP = Regional Trails Program

P/P = Public Private Partnerships

C/R = Private Construction

There are a variety of funding sources that can be used to fund pedestrian projects. The following matrix summarizes funding opportunities and the types of projects or programs they can support:

### Project Prioritization

Local plans and existing guidelines related to walking were reviewed. Comparison communities were also contacted for perspective on how pedestrian issues are addressed. This information helped to provide context for pedestrian related policies and conditions in Wichita.

Establishing implementation priorities is important because resources and timing generally don't allow for every project and improvement to be undertaken at once. It can be challenging for a community to decide which projects to implement first and which to defer. A structured process to prioritize projects with respect to the Pedestrian Plan's goals can help in this decision making process. The following criteria are suggested for prioritization (see Chapter 3):

- » Does it improve pedestrian safety at priority intersections?

- » Does it serve students?
- » Does it serve the senior population?
- » Does it fill in a gap in the existing system?
- » Is it on a Safety Corridor?
- » Is it on a transit route?
- » Does it connect to retail / service destinations?
- » Does it connect to a public park or public amenity?
- » Does it address a public concern?

## DESIGN TREATMENTS

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Design treatments are intended to guide the design and construction of pedestrian facilities. The Plan proposes best practice for 30 pedestrian design treatments (Chapter 7). Each treatment includes a definition, the benefits of applying the treatment, design considerations, the crash reduction factor, a photo example, a graphic showing design best practices, and additional resources. The project team reviewed existing City and State design guidance and incorporated the latest national research into the recommendations.

The pedestrian design treatments suggested address roadway crossings, intersection geometry, and traffic calming. For example, roadway crossing treatments include detailed information on marked crosswalks, crossing islands, and mid-block crossings. Similarly the intersection geometry section in Chapter 7 is focused on best practices to make intersections safer for all modes, and incorporates detailed information on elements such as curb ramps and extensions and right turn slip lanes.

