

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

**Minutes**

**October 9, 2014**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 9, 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: Matt Goolsby; Chair; Carol Neugent, Vice Chair; David Dennis; David Foster; Bill Johnson; Joe Johnson; Don Klausmeyer; M.S. Mitchell; John McKay Jr.; Bill Ramsey (in @ 1:34 p.m.); Don Sherman; Debra Miller Stevens and Chuck Warren. George Sherman was absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Neil Strahl, Senior Planner; Robert Parnacott, Assistant County Counselor; Jeff Vanzandt, Assistant City Attorney, and Maryann Crockett, Recording Secretary.

1. Approval of the September 25, 2014 MAPC meeting minutes.

**MOTION:** To approve the September 25, 2014 Planning Commission minutes, as amended.

MCKAY moved, DENNIS seconded the motion, and it carried (9-0-3).

J. JOHNSON, KLAUSMEYER, NEUGENT– Abstained.

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RAMSEY in @ 1:34 p.m.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00032: Final Plat - HOLY SAVIOR ADDITION**, located on the north side of 13th Street North, west of Hillside.

NOTE: This is a replat of a portion of the Girard Addition. A conditional use (CON2005-00037) was approved for Community Assembly. The plat includes the vacation of a portion of Chatauqua Avenue.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the applicant needs to abandon the water line in the vacated portion of Chatauqua. The applicant needs to install blow off assemblies at the south end of Chatauqua Circle in the right-of-way and at the northwest corner of 13th Street and Chatauqua. The utility plan should be updated to reflect the changes.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. One access opening is platted along 13<sup>th</sup> Street North. Traffic Engineering has approved the access controls.

- E. A guarantee shall be submitted for the paving of the proposed turnaround. A guarantee is also required for the closure of the street return along the site's frontage to 13<sup>th</sup> Street North.
- F. The Applicant has platted a 10-foot building setback along 14<sup>th</sup> Street North for Lot 1, Block A and a 20-foot building setback along Chataugua Circle for Lot 1, Block B which represents an adjustment of the Zoning Code standards requiring a 25-foot front yard setback for the TF-3 district. The applicant has platted a 10-foot street side setback along Erie Street which represents an adjustment of the Zoning Code standards which requires a street side yard setback of 15 feet. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission. The Subdivision Committee has recommended a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. GIS has approved the plat's street names.
- H. 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.
- I. 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.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Westar Energy advises of existing Westar equipment in this location, and any removal or relocation of that equipment made necessary by this plat will be at the applicant's expense. Becky Thompson is the Construction Services Representative for the northeast area and can be contacted at (316) 261-6320.
- R. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

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

**B. JOHNSON** moved, **KLAUSMEYER** seconded the motion, and it carried (13-0).

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3. **PUBLIC HEARING – VACATION ITEMS**

**B. JOHNSON** recused himself from the item.

- 3-1. **VAC2014-00030: County request to vacate a portion of platted access control**, on property generally located on the southeast corner of K-42 and Ridge Road.

**APPLICANT/AGENT:** Cessna Aircraft Company, c/o John Fowler (owner), PEC, c/o Charlie Brown (agent)

**LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted access control located on Lot 1, Block 1, Cessna Addition's Ridge Road frontage, Sedgwick County, Kansas.

**LOCATION:** Generally located on the southeast corner of K-42 and Ridge Road (BoCC #2)

**REASON FOR REQUEST:** Allow a fourth drive onto Ridge Road

**CURRENT ZONING:** The site and abutting and adjacent north, west, and east properties are zoned LI Limited Industrial. Abutting south property is zoned RR Rural Residential and SF-20 Single-Family Residential.

The applicant proposes a fourth drive onto Ridge Road on the south end of Lot 1, Block 1, Cessna Addition. Ridge Road is a paved two-lane arterial/County Highway at this location. Ridge Road is not curbed at his location, but has drainage ditches running parallel to it paved portion. There is no raised median on Ridge Road. The Cessna Addition is platted to allow three drives onto Ridge Road, with platted complete access control on its north 100 feet, where the site abuts the K-42 Highway and Ridge Road intersection. Currently there are three drives located on the north approximately 460 feet of the site's Ridge Road frontage. The three drives are spaced approximately 120 feet from each other. The proposed fourth drive is located on the south end of the remaining approximately 300 feet of the site's Ridge Road frontage. The applicant is proposing the new drive for shipping and receiving from what will be a new building (an expansion of services) on the site. The existing south drive is proposed to become an emergency access drive; this drive is not paved. There are no existing drives located west of the site across Ridge Road, on the undeveloped Caldwell Equipment Addition; recorded June 27, 1996. However, the Caldwell Equipment Addition is permitted two drives onto Ridge Road. There are utility poles located west of the site, across Ridge Road. Water is located along the site's Ridge Road frontage. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the area of the vacation. The Cessna Addition was recorded with the Register of Deeds October 11, 2000.

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 complete 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 September 18, 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 of platted access control along the site's south Ridge Road 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) 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 fourth drive onto Ridge Road. Provide Planning with any required and approved plan numbers for the construction of the drive onto Ridge Road, prior to the case going to the BoCC for final action.
- (3) Provided Planning with a private project agreement or a petition for the extension of the center turn lane on Ridge Road as reviewed and approved by Sedgwick County Public Works. The applicant will be responsible for 100% of the cost of the extension of the center turn lane on Ridge Road. This must be provided to Planning prior to the case going to the BoCC for final action.
- (4) The applicant must provide a plan for review and approval guaranteeing the paving of the emergency access easement as well as guarantees for any required gating, fencing or special signing necessitated by the emergency access easement, as reviewed and approved by Sedgwick County Public Works. This 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.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (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 of platted access control along the site's south Ridge Road 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) 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 fourth drive onto Ridge Road. Provide Planning with any required and approved plan

numbers for the construction of the drive onto Ridge Road, prior to the case going to the BoCC for final action.

- (3) Provided Planning with a private project agreement or a petition for the extension of the center turn lane on Ride Road as reviewed and approved by Sedgwick County Public Works. The applicant will be responsible for 100% of the cost of the extension of the center turn lane on Ridge Road. This must be provided to Planning prior to the case going to the BoCC for final action.
- (4) The applicant must provide a plan for review and approval guaranteeing the paving of the emergency access easement as well as guarantees for any required gating, fencing or special signing necessitated by the emergency access easement, as reviewed and approved by Sedgwick County Public Works. This 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.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (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.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (12-0-1). **B. JOHNSON** – Abstained.

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**PUBLIC HEARINGS**

4. **Case No.: CUP2014-00027** – CKMC & W, Kevin Brown (applicants) and Greg Ferris (agent) request a City amendment to Parcel 5, Community Unit Plan DP-45 to permit a Nightclub in the City on property described as:

Lot 5, Kapaun First Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The LC Limited Commercial zoned site is located within Parcel 5 of DP-45, the C-K-M Community Unit Plan (CUP). DP-45 is located at the northwest corner of N. Woodlawn and Central. The existing building on the site was formerly used as a restaurant. The applicant requests an amendment to DP-45 to allow a rental facility in Parcel 5 which permits alcohol service and dancing. Nightclub in the city is defined by the Unified Zoning Code (UZC) as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The UZC permits a nightclub in the city in the LC zoning district by right, but DP-45 does not

list “nightclub” as a permitted use in Parcel 5. The Unified Zoning Code (UZC) Art.III Sec.III-D.w. requires a “conditional use” for a nightclub when located within 300 feet of residential zoning; residential zoning and uses exist 230 feet south of the site on Oakwood Street. Because the site is within DP-45, a CUP “amendment” is required in lieu of a conditional use. Because the applicant wishes to limit this facility to a reception rental facility and holiday buffet restaurant, the applicant proposes the following amendment language for Parcel 5 uses: “Nightclub in the City except that the nightclub will be open for reserved special events and will not be open to the general public more than six days per year.” See the attached letter from the applicant.

The remainder of DP-45 is developed with 11 other buildings used for offices, retail, banking, and personal improvement. Outside of the CUP, surrounding zoning and uses include a GO General Office zoned office development and an MF-18 Multi-family Residential zoned apartment complex to the north. To the south, GO and NR Neighborhood Retail zoned offices, services, and residences line the south side of Central. Further south, a mixture of SF-5 Single-family Residential and TF-3 Two-family Residential zoned residences exist along Oakwood Street. East of the CUP, across Woodlawn, is an LC zoned commercial center under DP-193. West of the CUP is an LC zoned commercial and office development under DP-126.

**CASE HISTORY:** DP-45 was approved in 1972. The site was platted as Lot 5, Kapaun 1<sup>st</sup> Addition in 1973.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC, GO, MF-18	Office, services, apartment complex
SOUTH:	GO, NR, SF-5, TF-3	Office, retail, services, single and two-family residential
EAST:	LC	Retail, restaurant, services, vehicle repair
WEST:	LC, GO	Retail, restaurant, services, office, medical office

**PUBLIC SERVICES:** The site has direct access to Central Avenue, a five-lane arterial with a center turn lane and a 110-foot right-of-way at the application area. DP-45 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 an amendment to DP-45 to allow a nightclub in the city on Parcel 5 be **APPROVED**, with the following conditions:

- (1) No outdoor speakers, entertainment, food or drink service is permitted.
- (2) The site shall maintain all necessary licenses for a nightclub in the city.
- (3) The site shall conform to all applicable codes and regulations in include but not limited to zoning, building, fire and health.

- (4) The proposed uses for Parcel 5 shall be amended to add: “Nightclub in the City except that the nightclub will be open only for reserved special events and will not be open to the general public more than six days per year.”
- (5) 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.
- (6) 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-45 is developed with 11 other buildings used for offices, retail, banking, and personal improvement. Outside of the CUP, surrounding zoning and uses include a GO General Office zoned office development and an MF-18 Multi-family Residential zoned apartment complex to the north. To the south, GO and NR zoned offices, services, and residences line the south side of Central. Further south, a mixture of SF-5 and TF-3 zoned residences exist along Oakwood Street. East of the CUP, across Woodlawn, is an LC zoned commercial center under DP-193. West of the CUP is an LC zoned commercial and office development under DP-126.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC, which accommodates a wide range of commercial uses. The site could continue to be used for a restaurant without the proposed amendment.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Conformance with the proposed conditions should prevent the use from impacting nearby residences. The residential neighborhood south of the site is buffered by office, retail and service development along Central.
- (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.

**JESS MCNEELY**, Planning Staff presented the Staff Report. He said DAB I met Monday night and recommended approval subject to staff recommendation with the added provision of a 2:00 a.m. closing time. He said the applicant had no problem with that condition so staff added the condition to staff recommendation. He said several neighbors were at the meeting with questions and several people have contacted staff opposed to the request.

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

**J. JOHNSON** moved, **MCKAY** seconded the motion, and it carried (13-0).

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**FOSTER** recused himself from the item.

5. **Case No.: CON2014-00028** - Zogleman LP (Dale Zogleman) and Stericycle, Inc. (Chad Bergmann) / Golder Associates, Inc. (Maureen A. Yaskanin) request a City conditional use to permit a medical waste transfer station at 3811 S. West Street on property described as:

Lot 4 EXCEPT the North 150 feet, Block A, Royal Industrial Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The applicant is seeking “conditional use” approval to operate a medical waste “transfer station.” The Limited Industrial (LI) zoned application area is located on the west side of South West Street, 1,250 feet north of West MacArthur Road (3811 South West Street). The subject property contains 3.94 acres that are developed with a 3,000 square-foot warehouse/truck terminal and associated gravel driveway and parking lot. The site is platted as Lot 4 except the north 150 feet, Block A, Royal Industrial Addition.

The applicant currently operates a medical waste transfer station on property located south at 3901 South West Street, which was approved in 2000 (CON2000-00043). The applicant collects medical waste from various medical facilities located in Wichita and transports the waste to the transfer station. At the transfer station the medical waste is then consolidated into larger loads and shipped to licenses disposal facilities located out of town. No medical waste is or will be disposed of on-site. No municipal solid waste is or will be processed by the applicant. All the waste is collected in sealed containers. It is anticipated that the facility will generate approximately 12 daily truck trips per day. The applicant seeks to move its current activities to the subject property to obtain improved terminal facilities. The applicant’s site plan is an aerial photo of the property since they do not plan on adding new structures.

The Wichita-Sedgwick County Unified Zoning Code (UZC) Article II, Section II-B.13.e defines a “transfer station” as any enclosed facility where solid wastes are transferred from one vehicle or rail car to another or where solid wastes are stored and consolidated before being transported for disposal elsewhere. In the LI zoning district, a “transfer station” is permitted only with Conditional Use approval.

The UZC (Article IV, Section IV-A.2.b) states that all parking areas, loading areas and driveways on all developments other than low density residential developments shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris. As noted above the site is served by gravel drive and parking areas. It is believed that the parking surface is a legal non-conforming improvement and this application does not trigger a requirement to pave the site’s driveway, parking or loading areas.

According to Kansas Administrative Regulations (K.A.R.) 28-29-27 “medical services waste” is defined as those solid waste materials which are potentially capable of causing disease or injury and which are generated in connection with human or animal care through inpatient and outpatient services. Medical

waste shall not include any solid waste which has been classified by the secretary as a hazard waste under Kansas Statutes Annotated (K.S.A.) 1982 Supp. 65-3431 and any amendments thereto, or that is radioactive treatment material licensed under K.S.A 1982 Supp. 48-1607 and regulations adopted under the statute.

South of State Highway 54 South West Street has a significant amount of LI zoning and industrial/warehouse development. The entire west side of South West Street between I-235 and West MacArthur Road is zoned LI. The applicant is operating the exact use on a location 360 feet south of the application area. Surrounding land is zoned either LI or Single-Family Residential (SF-5) and is developed with a truck terminal/warehouse, warehouse, salvage yard, place of worship, single-family residence or a farm/ranch.

**CASE HISTORY:** The Royal Industrial Addition was recorded in March of 1976.

**ADJACENT ZONING AND LAND USE:**

North: LI Limited Industrial; truck terminal/transit warehouse

South: LI Limited Industrial; truck terminal/transit warehouse

East: LI Limited Industrial, General Commercial and SF-20 Single-family Residential; salvage yard, warehouse and church

West: SF-5 Single-family Residential; spent sandpit, farming and ranching

**PUBLIC SERVICES:** South West Street is a two-lane asphalt road. The site is served or can be served by all usual municipal and public services.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “employment/industry center” uses. The “employment/industry center” category encompasses areas with uses that constitute center or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.

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

- A. Permitted uses shall be restricted to those permitted by-right in the Limited Industrial district plus a medical waste transfer station. Only medical wastes (as defined in K.A.R. 28-29-27) may be received or handled at this location. No other types of solid waste may be accepted or processed at this location.
- B. The site’s gravel parking, loading and driveway areas are permitted to continue until its non-conforming status is lost.
- C. All vehicles transporting medical waste in or out of the facility are required to be licensed under Chapter 7.08 of the Code of the City of Wichita.
- D. The applicant shall obtain all applicable permits prior to commencing operations at the site, including, but not limited to, compliance with K.A.R. 28-29-27.
- E. The transfer of medical waste shall take place inside an enclosed building.
- F. The site shall be developed in general conformance with the approved site plan.
- G. Any violation of these conditions shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: South of Highway 54, South West Street has a significant amount of LI zoning and industrial/warehouse development. The entire west side of South West Street between I-235 and West MacArthur Road is zoned LI. The applicant is operating the exact use on a location 360 feet south of the application area. Surrounding land is zoned either LI or SF-5 and is developed with a truck terminal/warehouse, warehouse, salvage yard, place of worship, single-family residence or a farm/ranch.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LI. The LI district permits nearly all uses except residential and intense industrial uses. The site could be used for uses permitted by-right in the LI district; however, the conditions of approval placed on the property adequately adjoining property owners.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested use is currently in operation some 350 feet to the south of the application area, and has not created any known detrimental impacts on nearby property. The proposed conditions of approval minimize potential negative impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Health, safety and welfare considerations dictate the need for the requested use and the service it provides to the community. Denial would presumably represent a performance hardship on the service provider in that the building's docks match the height of the operator's truck beds, which allow for a more efficient transfer of containers and provide increased safety to the company's workers.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for "employment/industry center" uses. The "employment/industry center" category encompasses areas with uses that constitute center or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The proposed use is a collection, consolidation, warehouse and shipping service.
6. Impact of the proposed development on community facilities: No additional impact on existing community facilities has been identified.

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

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

**MILLER STEVENS** moved, **WARREN** seconded the motion, and it carried (12-0-1). **FOSTER** – Abstained.

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**NON-PUBLIC HEARING ITEMS**

**6. Case No.: Pedestrian Master Plan (deferred from 9-11-14)**

**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.

During August and September 2014, the Plan was presented to: all of the District Advisory Boards (DABs); the Wichita Transit Advisory Board; the Wichita Bicycle and Pedestrian Advisory Board; and the Wichita-Sedgwick County Access Advisory Board. All six DABs; the Wichita Bicycle and Pedestrian Advisory Board; and the Wichita Transit Advisory Board recommend that the City Council endorse the Plan as presented. The Wichita-Sedgwick 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."

On September 11, 2014, the Plan was presented to the Wichita-Sedgwick County Planning Commission. The Planning Commission unanimously voted to refer the item to the Advance Plans Committee for review and recommendation. On September 25, 2014, the Plan was presented to the Advance Plans Committee. Some of the committee members inquired about the cost implications to implement the

Plan. Staff indicated that in many cases the Plan provides recommendations to improve activities that the City already undertakes, and that implementation of the Plan can get started without additional funding. Following the discussion, the Advance Plans Committee voted unanimously to forward the draft Plan to the MAPC for review.

**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.

**SCOTT WADLE**, Planning Staff presented the Staff Report.

**J. JOHNSON** asked if there was a County component to the Plan.

**WADLE** responded that this was a City Plan.

**MITCHELL** said he had an opportunity to sit in on some of the meetings with the group of dedicated individuals who have an idea of what they want the world to look like; however, what they don't have is a way to pay for it. He said this Plan does nothing towards arranging for funding or setting priorities for action. He said this will be one more piece of paper sitting on a shelf like the Parks Master Plan with the \$500 million dollar price tag. He said a lot of work has gone into this Plan and a lot of people support it, but he still doesn't like the idea of a Plan without some sort of future of its being done.

**WADLE** mentioned the top 10 Plan strategies and the funding implications of each. He gave examples such as implementing design guidance which consists of approximately 30 different elements which cover items such as curb extensions, curb ramps, sidewalk widths, intersections etc. which are items that the City is already doing; however, the Plan looks at ways to better implement those items. He said the cost would be minimal because these are activities that the City is already doing. He said the recommendations in the Plan can be scaled up or down depending on what resources are available. He mentioned maintenance projects such as restriping, improvement of intersections, sidewalks along arterial streets and improving pedestrian infrastructure near senior housing and said that was just a handful of projects that the Plan emphasizes.

**GOOLSBY** said he wanted to dovetail on what Commissioner Mitchell mentioned and say how much he appreciated all the hard work on the Plan. He added, however, as he mentioned at the previous meeting on this item, he has concerns that what is “design guidance” today will become a requirement down the road. He said policy and design guidance are two different things. He said his objection to the Plan is that the recommendations/guidance contained within it not turn into policy tomorrow or at some time in the future.

**WADLE** said he would go on the record as saying that all the discussion has been about this being guidance. He apologized if he slipped and said standards.

**DIRECTOR SCHLEGEL** asked Chair Goolsby if his concern was that this Plan will be imposed on the private sector because it is designed for City projects only.

**GOOLSBY** mentioned the amenity zone and how developers may not be able to build a building because it is too close to sidewalk. He said he does have concerns that the Plan will impact the private sector.

**DIRECTOR SCHLEGEL** said the Plan is not meant to be regulations imposed on the private sector. He said the Plan is meant to reflect on current City practices and how streets will be built in the future.

**MCKAY** commented that the Plan doesn’t say just City projects.

**WADLE** said staff can add language at the beginning of the Design Guidance that the Plan is not intended to become standards or that it applies to public sector development. He said he did not want to rule out displaying the guidelines to various organizations because he believes they could be beneficial. He said he wanted to emphasis that the Plan does not change any Subdivision Regulations or the Sidewalk Ordinance.

**MCKAY** said he has been around long enough to see guidelines become rules. He said the Comprehensive Plan was supposed to be a guideline. He asked does this Plan rewrite what is already on the books such as striping crosswalks, etc. He said there are already guidelines for that and he doesn’t see where this Plan is going to do that any better.

**WADLE** said right now crosswalks are two stripes and although pedestrians can see them, drivers often can’t. He mentioned doing crosswalks in a continental key piano style so both walkers and drivers can see the crosswalk from farther away. He said the Plan will be a document to guide staff on new projects and a platform for discussion. He mentioned safety issues and projected outcomes.

**MCKAY** asked then it won’t cost any more money to do things better.

**WADLE** said there may be an incremental cost and that will be addressed on a project-by-project basis. He said the Plan is flexible as far as resources and priorities.

**MCKAY** asked how the Plan would affect in-fill projects in certain areas. He said now many in-fill projects are not being done because of prohibitive costs such as land and infrastructure remodeling. He asked about collector streets and said sidewalks impact development because those costs are passed on to the developer.

**WADLE** said the City will address public infrastructure such as sidewalks and crosswalks. He reiterated that the Plan will not change Subdivision Regulations or the Sidewalk Ordinance.

**GOOLSBY** asked don't some amenities get passed on as assessments to developers.

**WADLE** said that depends on if the developer installs them which is how specials work. He said the street amenities downtown so far have been City funded.

**DIRECTOR SCHLEGEL** clarified that the concern was that the Plan would become a requirement. He asked for an example of when that has occurred before.

**MCKAY** referenced the Comprehensive Plan and how it applies to projects that come before the Planning Commission.

**DIRECTOR SCHLEGEL** said staff tries to site policy in the Comprehensive Plan as a reference; however, that doesn't lock the Planning Commission into a decision.

**MCKAY** said the project either complies with the Comprehensive Plan or the developer does not get the project.

**DIRECTOR SCHLEGEL** said staff can't tell the Commission what the costs are going to be to implement this guidance because that will be determined on a case-by-case basis.

**MILLER STEVENS** said she asked the question at the Advance Plans Committee meeting that since there is no financing, who is going to champion the Plan and its recommendations when projects come up. She said if the Planning Department is going to promote the Plan then in essence it becomes policy and standard. She said she hears people saying that in a sort of "back door" kind of way, we are changing policy and setting different standards.

**WADLE** said the Plan is intended for public design projects and the design guidance is written so that members of the public can understand it and see illustrations and intent. He said City Staff will be the first stop in deciding whether or not to go with the design guidelines. He said citizen groups will also be involved when the project comes up for review at DAB or other advisory boards such as the Bicycle and Pedestrian Advisory Boards. He said there is nothing that stipulates that the items in the Plan must be done in a project. He said the Plan is flexible and provides a place to start the discussion.

**FOSTER** mentioned Commissioner Dennis's reference to the sidewalk project in his neighborhood and his realization of how beneficial to the neighborhood. He referenced documentation from the Urban Land Institute regarding the economic value of pedestrian infrastructure. He said he views the Plan as suggestions on how to provide that infrastructure and amenities correctly. He mentioned that discussion during the Comprehensive Plan process had centered on development of more of an urban and "walkable" community and this Plan is just another step towards that.

**RAMSEY** said he loved the Plan but asked for clarification of the amendment to the Sidewalk Ordinance proposed by the Access Advisory Board.

**WADLE** said staff has provided all the recommendations from advisory boards who have reviewed the Plan, however, he emphasized that recommendation by the Access Advisory Board was not included in the Plan staff recommendation. He mentioned that all DAB's, the Bicycle and Pedestrian Advisory Board and the Transit Advisory Board have recommended that the City Council endorse the Plan as written.

**WARREN** commented on how expensive it could become to try to retrofit designs in the Plan into existing areas and that was a big concern of his. He asked in terms of planning new growth and developments such as roads and other projects, does the Plan place more expenses or become more burdensome on developers.

**DIRECTOR SCHLEGEL** responded that the Plan is not meant to be applied to private projects. He said the Plan is guidance on how the City does improvements in the future. He said he didn't know how staff could make it any clearer that the Plan is not suggesting changes to the Subdivision Regulations or the Sidewalk Ordinance. He said the Plan will not impose new standards or policy on private projects. He said the guidelines are designed for City Staff to review as projects come up within the Capital Improvement Program. He said this Plan is not designed to go back and retrofit every street within the City.

**GOOLSBY** asked if Tax Increment Finance (TIF) dollars would be used to pay for items that the Plan recommended.

**DIRECTOR SCHLEGEL** said Public Works staff will advise private developers of the correct way to design improvements for safety of pedestrians in the public right-of-way.

**GOOLSBY** said there are no guarantees that developers will be educated enough to know that the Plan is guidance not requirements.

**DENNIS** commented that he got a different perspective during the discussion of the Plan by the Advance Plans Committee. He said the fact that the Plan is a guideline and not a requirement allayed some of his fears. He also mentioned annual review of the Plan. He commented that if you put 30 engineers in a room and ask them to design a crosswalk, you are going to have 30 different designs. He said if on the other hand some type of guidance is offered there may only be 5-6 different views. He said he believes having something on the shelf to refer to and get ideas from is a good thing. He said he supports endorsing the Plan sending it on to City Council.

**JANE BURNS, 9500 DELANO** said she was a Grandma, senior, health professional, Charter Member of Bike Walk Wichita and an appointee to the Wichita Bicycle Pedestrian Advisory Board. She referred Commissioners to several handouts that she distributed including "100 Benefits of Walking," a prescription for walking and an article about the economic benefits to communities with pedestrian infrastructure. She said when children, seniors and others walk for health and it is not safe, that is an issue. She said there have been pedestrian deaths due to unsafe walking conditions. She said seniors want to live in "walkable" environments that are healthier.

**MOTION:** To recommend that the City Council endorse the Plan with language added that the Plan is design guidance for City public projects only and not a requirement.

**J. JOHNSON** moved, **FOSTER** seconded the motion, and it carried (9-4)  
**GOOLSBY, KLAUSMEYER, MCKAY, MITCHELL** – No.

**MCKAY** asked if the Plan was going to be reviewed in a year.

**WADLE** said a work plan will be developed annually by City staff and approved by the Bicycle and Pedestrian Advisor Board. He said that report and an annual report at the end of each year on accomplishments can be brought to the Planning Commission for review.

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Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 2:25 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

(SEAL)