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

**Thursday, November 6, 2014**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, November 6, 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. Approval of the prior MAPC meeting minutes:

*Meeting Date: October 9, 2014 and October 23, 2014*

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2014-00035: One-Step Final Plat – QUIKTRIP 18TH ADDITION**, located on the east side of Broadway, North of Central.

*Committee Action: APPROVED 2-0*  
*Surveyor: MKEC Engineering, Inc.*  
*Acreage: 2.20*  
*Total Lots: 2*

- 2-2. **SUB2014-00038: One-Step Final Plat – SWEETBRIAR SECOND ADDITION**, located on the northwest corner of 21st Street North and Amidon.

*Committee Action: APPROVED 2-0*  
*Surveyor: MKEC Engineering, Inc.*  
*Acreage: 19*  
*Total Lots: 10*

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. **VAC2014-00032: City request to vacate access control dedicated by separate instrument on property**, generally located north of Pawnee on the southwest corner of Haskell Avenue and Seneca Street.

*Committee Action: APPROVED 2-0*

- 3-2. **VAC2014-00033: City request to vacate a portion of a platted front yard setback on property**, generally located east of 119th Street West on the southeast corner of Maple Street and Cedar Crest Road.

*Committee Action: APPROVED 2-0*

- 3-3. **VAC2014-00034: City request to vacate portions of a platted setback, a platted easement, a platted wall easement and easements dedicated by separate instrument on property**, generally located on the southeast corner of 21st Street North and Rock Road.

*Committee Action: APPROVED 2-0*

- 3-4. **VAC2014-00035: City request to vacate a platted alley on property**, generally located south of 33rd Street North on the east side of St Francis Avenue.

*Committee Action: APPROVED 2-0*

## **PUBLIC HEARINGS**

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

4. Case No.: ZON2014-00024  
Request: City zone change from GO General Office and B Multi family to GC General Commercial.  
General Location: Southwest of Topeka and Murdock Avenues (715 and 721 N. Topeka Ave.)  
Presenting Planner: Bill Longnecker
5. Case No.: CUP2014-00032 and ZON2014-00025  
Request: City zone change from SF-5 Single family Residential and GO General Office to LC Limited Commercial, and from LC Limited Commercial to GC General Commercial and City CUP Community Unit Plan Amendment to DP-7 to create new parcels and amend development provisions.  
General Location: Northwest corner of 21st Street North and Amidon Avenue.  
Presenting Planner: Dale Miller

## **NON-PUBLIC HEARING ITEMS**

6. Case No.: Wichita Multi-Modal Accommodation Policy and Street Design Guidance  
Presenting Planner: Scott Wadle

### 7. Other Matters/Adjournment

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

**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 24, 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.

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 13<sup>th</sup> 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 13<sup>th</sup> 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](mailto: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 plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- 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).

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 and 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 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 Ride 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 Ride 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-Saes, 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 emphasize 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 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)

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

**Minutes**

**October 23, 2014**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 23, 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.; Don Sherman(In @1:33 p.m.) and Debra Miller Stevens. Bill Ramsey, George Sherman and Chuck Warren were absent. Staff members present were: 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. No Minutes to approve.

**2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATION**

**2-1. SUB2014-00036: One-Step Final Plat -- CAMPBELL'S GREENHOUSE ADDITION**, located east of Broadway, north of MacArthur Road.

**NOTE:** This is an unplatted site located within the City of Wichita. The site has been approved for a zone change (ZON2013-00028) from SF-5 Single-Family Residential to GC General Commercial.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department requests a No Protest Agreement for the extension of sewer. Water services are available.
- 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. 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.
- E. The platlor's text needs to delete the reference to access controls.
- F. The reference in the platlor's text to "stormwater" shall be spelled correctly.
- G. County Surveying requests to be contacted regarding the plat boundary and other details.

- 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](mailto: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 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. Westar Energy requests additional easements. LaDonna Vanderford is the contact for this plat 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.
- 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.

**J. JOHNSON** moved, **B. JOHNSON** seconded the motion, and it carried (10-0).

**D. SHERMAN** (In @1:33 p.m.)

**3. PUBLIC HEARING – VACATION ITEMS**

**3-1. VAC2014-00031: City request to vacate a portion of a platted front setback,** generally located midway between the Big Ditch Floodway and I-235, north of Central Avenue, on the west side of Eisenhower Avenue.

**OWNER/AGENT:** Elma Johnson (owner)

**LEGAL DESCRIPTION:** Generally described as vacating the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located midway between the Big Ditch Floodway and I-235 Highway, north of Central Avenue on the west side Eisenhower Avenue (745 N Eisenhower Avenue, WCC #V)

**REASON FOR REQUEST:** Garage encroaches into setback

**CURRENT ZONING:** Subject property and all adjacent and abutting properties are zoned SF-5 Single-Family Residential

The applicant is requesting consideration for the vacation of the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way. Per the applicant's site plan there is a garage that encroaches 14 ½ feet into the 30-foot platted front setback. The subject corner lot is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback for the SF-5 zoning district is 25 feet, which is five feet less than the subject setback. If the setback was not platted, but was the UZC's minimum 25-foot front yard setback, the applicant could have applied for an Administrative Adjustment to reduce the front yard setback by 20%, resulting in a 20-foot front yard setback. Even with the setback reduced to 20 feet, the garage still encroaches 4 ½ feet. To reduce the subject setback by more than 20% requires a variance, which is a separate public hearing process; the applicant will need to apply for a variance for consideration to remove the remaining existing encroachment. There are no platted easements located within the setback. Water is located in the right-of-way and sewer is located in the back yard of the subject site. Stormwater and franchise utilities are not impacted. The West Central Gardens Addition was recorded with the Register of Deeds September 23, 1952.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Storm Water, 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 front yard 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 October 2, 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 front yard setback, and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate only the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way.
- (2) Further reduction of the 20-foot front yard setback established by VAC2014-00031 is contingent on approval of a variance by the BZA.
- (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 and franchised utilities/Westar with any needed plans for review for location of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior going to City Council for final action
- (4) All improvements shall be according to City Standards.
- (5) 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) Vacate only the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way.
- (2) Further reduction of the 20-foot front yard setback established by VAC2014-00031 is contingent on approval of a variance by the BZA.
- (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 and franchised utilities/Westar with any needed plans for review for location of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior going to City Council for final action
- (4) All improvements shall be according to City Standards.
- (5) 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.

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

**DENNIS** moved, **MCKAY** seconded the motion, and it carried (11-0).

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### **PUBLIC HEARINGS**

There were no public hearing items.

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### **NON-PUBLIC HEARING ITEMS**

4. **Case No.: DER2014-00004** - The City of Derby seeks Unilateral Annexation of various tracts located adjacent to the City of Derby - Resolution No. 56-2014.

**Background:** On September 23, 2014, the City of Derby passed Resolution No. 56-2014 authorizing a public hearing on November 25, 2014, for the purposes of considering the unilateral annexation of several properties eligible under KSA 12-520(a) and located immediately adjacent to the City of Derby.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Derby has submitted to the MAPD, a copy of the service plan that describes in a very thorough and comprehensive way the extension of services to the annexation area.

**Analysis:** Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or

incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

After review by staff, it has been determined that three tracts (Tracts 3, 4 and 5) of the five tracts proposed for unilateral annexation fall within the City of Derby 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005. Two tracts (Tracts 1 and 2) are designated as 'Rural' on the aforementioned map and do not fall within the urban growth area of any city in Sedgwick County. However, all five tracts do fall within Derby's future urban growth area as identified in the latest version (December 2006) of the City of Derby Comprehensive Plan Growth Areas Map.

Recognizing the dated nature of the 2030 Urban Growth Areas Map and the fact that the proposed annexation of Tracts 1 and 2 represents a logical westward extension of the City of Derby, staff is of the view that the proposed unilateral annexation by the City of Derby is substantially consistent with the intent of the Wichita-Sedgwick County Comprehensive Plan.

**Recommended Action:** That the Metropolitan Area Planning Commission pass a motion finding the unilateral annexation proposed by Resolution No. 56-2014 of the City of Derby to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

**Attachments:** Attachment No. 1 - Resolution No. 56-2014 and map; Attachment No. 2 - 2030 Urban Growth Areas Map, May 2005.

**DAVE BARBER**, City Planning Staff presented the Staff Report.

**MITCHELL** asked if the legal descriptions on the properties to be annexed had been approved by the County Surveyor.

**BARBER** said he did not know.

**MCKAY** asked Commissioner Mitchell if he would like verification by the County Surveyor of the legal descriptions of the properties to be annexed as part of the motion.

**MITCHELL** indicated he would like a report from the County Surveyor.

**MOTION:** That the unilateral annexation proposed by Resolution No. 56-2014 of the City of Derby is substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan, subject to the legal descriptions of the annexed property being confirmed by the County Surveyor.

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

5. **Case No.: Conformity of the Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District with the Wichita-Sedgwick County Comprehensive Plan.**

**Background:** A tax increment finance district is a tool available under Kansas Statutes to stimulate

economic redevelopment. It allows a city to finance in blighted or deteriorating areas, all or a portion of public infrastructure and redevelopment costs using captured incremental real estate tax revenues or sales tax revenues generated by the redevelopment activity.

The City of Wichita via Ordinance No. 45-157 (adopted in December 2001) removed property and reduced the boundaries of the Old Town Cinema Redevelopment TIF District as originally established in 1999, in order to encourage (using tax increment financing) the redevelopment of a 43 parcel area within the City's older warehouse district. The current TIF redevelopment district is bounded on the west by Santa Fe Avenue, on the east by Washington Street, on the north by Third Street North and on the south by Second Street North. A separate document summarizing the current financial performance of the Old Town Cinema Redevelopment TIF District (City Finance Department, September 19, 2014) has been included as an attachment to this report.

Most of the structures in the District were built in the early 1900's, with a majority in warehouse use. A few retail businesses are located along Second and Washington. The condition of this area is typical of that of a seventy to ninety year old industrial section, with building structures slowly deteriorating over time. Public infrastructure (curbs, gutters, streets and street lighting) in portions of the redevelopment area is intermittent and well below current City standards.

**Project Details** - The Mosley Avenue Project involves the commercial redevelopment of three former warehouse buildings along both sides of Mosley Avenue between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street (Project Area 2). This redevelopment will consist of roughly 62,000 sq. ft. of new commercial uses representing an extension of Old Town. The commercial redevelopment project will begin in 2015 and be completed before the end of 2018.

Public infrastructure improvements planned within Project Area 2 will be the reconstruction of Mosley Avenue from 2<sup>nd</sup> to 3<sup>rd</sup> Street, and the reconstruction of Rock Island for one-half block south of 3<sup>rd</sup> Street as brick streets with streetscape amenities and on-street parking consistent with the design of other streets in Old Town. Improvements include brick streets, approximately 33 on-street parking stalls along with a loading area near the Marriott Courtyard, nine feet wide sidewalks along each side of the streets, ornamental lighting, landscaping, benches, trash cans, and bicycle racks. It is estimated that street construction will begin in the summer of 2015 and be completed before the end of 2016 at a total cost of \$1,550,000. Tax increment financing will be used to finance these public infrastructure improvements.

The original total assessed valuation of Project Area 2 as of January 2014 for taxes payable in 2014-2015 is \$272,245. The projected total assessed valuation as of January 1, 2019 is estimated to be \$928,937. Therefore, the captured assessed valuation for Project Area 2 as of January 1, 2019 is estimated at \$656,692. It is estimated that in 2018, the property tax increment will be \$65,079. Excess TIF revenue generated by the Old Town Cinema Project Plan (Project Area 1) within the Old Town Cinema Redevelopment District will contribute to the Mosley Avenue debt service until such time as the Old Town Cinema Project Plan ends. The projected tax increment from the District will be sufficient to pay for all eligible project costs including the projected debt service on general obligation bonds issued to finance such costs.

**Analysis:** The MAPC is advised that the Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District falls within the *Project Downtown Master Plan* which has been adopted as an element of the *Wichita-Sedgwick County Comprehensive Plan*.

*Project Downtown Master Plan* - The Mosley Avenue Project Plan area falls within the Downtown Master Plan's designated Old Town District, one of 15 unique districts that constitute Downtown Wichita. A key vision theme for the Old Town District is encouraging the creation of infill development opportunities through the creation of improved walkability, access and parking improvements.

The City's adopted 2011-2020 Capital Improvement Program identifies proposed public improvements to Mosley Avenue and Rock Island Street. TIF will be the funding source for these improvements.

**Legal Considerations:** Pursuant to K.S.A. 12-1772, each redevelopment project plan undertaken as part of a tax increment finance district must be prepared in consultation with the planning commission. Accordingly, the MAPC has a responsibility to review the proposed Mosley Avenue Project Plan and make a determination of its consistency with the Wichita-Sedgwick County Comprehensive Plan.

**Recommended Action:** That the Metropolitan Area Planning Commission pass a resolution finding the proposed Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

**Attachments:** 1. Exhibit 1 - Mosley Avenue Project Area Map (Area 2) for the Old Town Cinema Redevelopment District; 2. Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District, October 23, 2014; 3. Old Town Cinema TIF District Update, Department of Finance, September 19, 2014.

**DAVE BARBER**, City Planning Staff presented the Staff Report.

**MARK ELDER, CITY MANAGER'S OFFICE, OFFICE OF URBAN DEVELOPMENT** said the Plan consists of redevelopment along Mosley Street. He said the infrastructure along this area is subpar and has not been improved in a long time. He said the plan is to improve the north half of Rock Island and Mosley from Second to Third Streets. He mentioned benches, bike racks, sidewalks, parking and use of brick in the area which will continue Old Town north an additional block. He said Public Works staff estimates that it will cost approximately \$1,500,000 for the improvements including streetscaping. He said the Financial Feasibility Study included in the Plan concludes there is the capacity to fund City improvements within the redevelopment district with Tax Increment Financing (TIF) funds. He said the Plan will also introduce office and retail into the area. He referred to several proposed visual designs of the area.

**MILLER STEVENS** clarified that the project will extend the TIF another 20 years.

**ELDER** said yes, 20 years. He said both the City and County are interested in shortening the life of the bonds if they can. He said the City's Bond Counsel has determined that the 20 years will be for Phase II of the Redevelopment District. He said when the Old Town Cinema has paid off its debt, a few years will be left that can contribute to the financing of the Mosley Avenue Project.

**MITCHELL** asked if a comparison of the cost between brick streets versus standard paving has been made.

**SCOTT KNEBEL, PLANNING STAFF** said City Engineering has evaluated the costs of both brick

and concrete and a decision has been made to go with the brick which is more expensive but will be consistent with the majority of Old Town including the sections of Mosley and Rock Island immediately south of the area.

**FOSTER** asked if the other entities involved with the Redevelopment District have agreed to the extension.

**ELDER** said input from the School District and Sedgwick County are generally sought at the creation of the District. He said staff has not had discussions with them.

**KNEBEL** explained that the way the State Law lays out the process is once the Planning Commission has made a recommendation to the City Council that the Plan for Old Town is consistent with the Wichita-Sedgwick County Comprehensive Plan, the other entities will be notified if and when the City Council decides to take action.

**ELDER** added if the Planning Commission recommends that the Plan is consistent with the Comprehensive Plan, the City Council will set a public hearing date and the School District and Sedgwick County will be notified at that time.

**MILLER STEVENS** clarified that there is no decision on the TIF itself, but just whether the Project can be part of the TIF.

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

**DENNIS** moved, **GOOLSBY** seconded the motion, and it carried (10-0-1). **MCKAY** – Abstained.

6. Other Matters/Adjournment

6-1. **2015 Planning Commission Hearing Dates Calendar**

**MOTION:** To approve the 2015 Planning Commission Hearing Dates Calendar.

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

The Metropolitan Area Planning Commission adjourned at 1:50 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:** SUB2014-00035 – QUIKTIP 18<sup>TH</sup> ADDITION

**OWNER/APPLICANT:** QuikTrip West Incorporated, Attn: Truitt Priddy, 1120 North Industrial Boulevard, Euless, TX 76039; Betzen Family Trust, Attn: Bettie L. Betzen, 605 North Trail Drive, Mulvane, KS 67110

**SURVEYOR/AGENT:** MKEC Engineering, Inc., Attn: Brian Lindebak, 411 North Webb Road, Wichita, KS 67206

**LOCATION:** North of Central, on the east side of Broadway (District VI)

**SITE SIZE:** 2.2 acres

**NUMBER OF LOTS**

Residential:	
Office:	
Commercial:	2
Industrial:	—
Total:	2

**MINIMUM LOT AREA:** 903 square feet

**CURRENT ZONING:** GC General Commercial, B Multi-family Residential, GO General Office

**PROPOSED ZONING:** GC General Commercial

**VICINITY MAP**



**SUB2014-00035 -- Plat of QUIKTRIP 18<sup>TH</sup> ADDITION**  
**November 6, 2014 - Page 2**

**NOTE:** This is a replat of the J.P. Hilton's Addition which includes the vacation of a north-south alley. The applicant requests a zone change (ZON2011-00024) from B Multi-Family Residential and GO General Office to GC General Commercial for a portion of the site.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water. A guarantee is needed for the replacement of sanitary sewer. A guarantee is needed to terminate water service at the main and removal of all unused services. These improvements will be constructed by a private project.
- B. City Stormwater Management has approved the applicant's drainage plan.
- C. Traffic Engineering has approved the access controls. The plat proposes one opening along both Murdoch and Broadway, and two rights-in/out openings along Topeka.
- D. 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.
- E. A guarantee is required for the closure of the north-south alley returns. An alley return Closure Certificate in lieu of a guarantee may be provided.
- F. The Applicant has platted a 0-foot building setback along Murdock which represents an adjustment of the Zoning Code standard of a 20-foot front setback for the GC General Commercial District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission. 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.
- G. 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](mailto:nstrahl@wichita.gov).
- 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.

**SUB2014-00035 -- Plat of QUIKTRIP 18<sup>TH</sup> ADDITION  
November 6, 2014 - Page 3**

- 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.
- 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 advises of existing Westar equipment in this location. 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.
- 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:** SUB2014-00038 – SWEETBRIAR SECOND ADDITION

**OWNER/APPLICANT:** Amidon 1, LLC & Market Parking, Inc., Attn: Thomas Boyd, 1707 North Waterfront Parkway, Wichita, KS 67206-6602; Charles R. Woodard Living Trust, Connie L. Woodard Living Trust, Attn: Charles R. Woodard and Connie L. Woodard, 4450 North Maize Road, Maize, KS 67101; Leon J. Moeder and Susan L. Moeder, 122 South Hydraulic Street, Wichita, KS 67211-1903

**SURVEYOR/AGENT:** MKEC Engineering, Inc., Attn: Brian Lindebak, 411 North Webb Road, Wichita, KS 67206

**LOCATION:** Northwest corner of 21<sup>st</sup> Street North and Amidon (District VI)

**SITE SIZE:** 19 acres

**NUMBER OF LOTS**

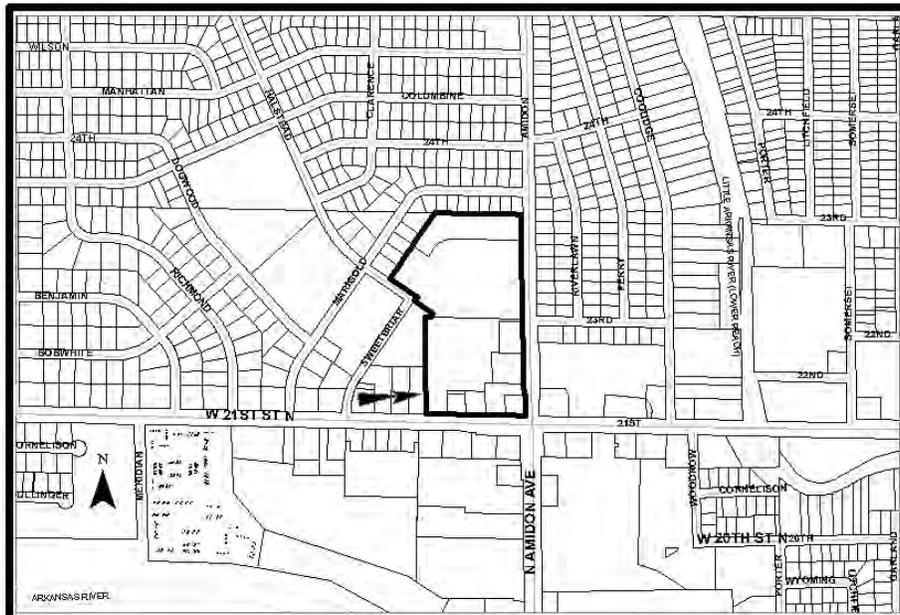
Residential:	
Office:	
Commercial:	10
Industrial:	—
Total:	10

**MINIMUM LOT AREA:** .34 acres

**CURRENT ZONING:** SF-5 Single-family Residential, GO General Office, LC Limited Commercial

**PROPOSED ZONING:** LC Limited Commercial, GC General Commercial

**VICINITY MAP**



**SUB2014-00038 -- Plat of SWEETBRIAR SECOND ADDITION  
November 6, 2014 - Page 2**

**NOTE:** This is a replat of the Sweetbriar Addition in addition to unplatted property. The applicant requests a zone change (ZON2014-00025) from SF-5 Single-family Residential to LC Limited Commercial, GO General Office to LC Limited Commercial, and LC Limited Commercial to GC General Commercial for a portion of the property. This site is subject to the Sweetbriar Shopping Center Community Unit Plan (DP-7) and the applicant has requested an Amendment to the CUP (CUP2014-00032).

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises that Lots 1 through 5 and Lots 9 and 10 are currently being served by water and sewer. Lots 6, 7 and 8 need to extend sanitary sewer upon development/redevelopment.
- 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. The plat proposes five access openings along 21<sup>st</sup> Street North including four rights-in/out openings. The plat proposes seven openings along Amidon including three rights-in/out openings. Traffic Engineering has approved the access controls with the exception of the easternmost opening along 21<sup>st</sup> Street North. The plat's text shall be revised accordingly.
- E. The Notary Certificate shall reference co-trustees and revise language to "she is the co-trustee" for Connie L. Woodard.
- F. 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.
- G. 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](mailto:nstrahl@wichita.gov).
- 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.

**SUB2014-00038 -- Plat of SWEETBRIAR SECOND ADDITION  
November 6, 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 advises of existing Westar equipment in this location. Any removal or relocation of that equipment needs to be discussed with the area representative and if it is required due to this plat will be at the applicant's expense. Marsha Jesse is the Construction Services Representative for the northeast 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:** VAC2014-00032 - City request to vacate a portion of access control dedicated by separate instrument

**APPLICANT/AGENT:** Seneca Properties, LLC, c/o Brad Saville (applicant/owner) Kaw Valley Engineering, c/o Tim Austin (agent)

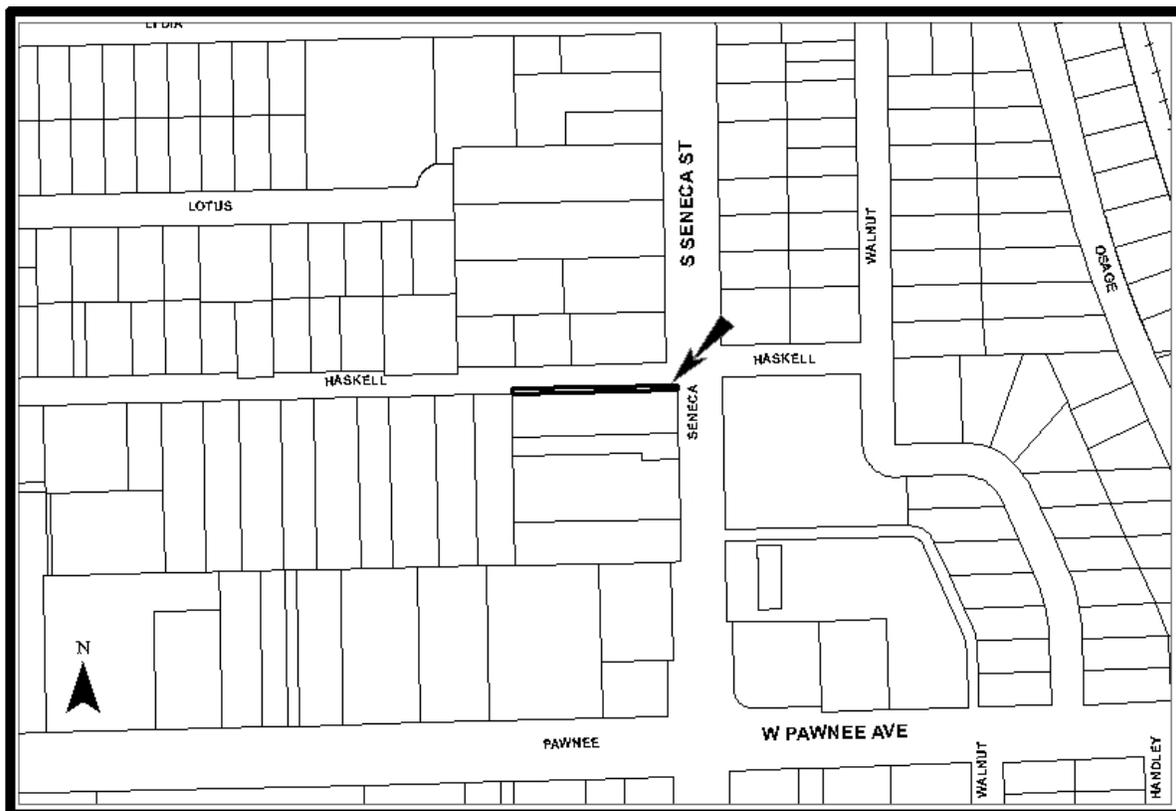
**LEGAL DESCRIPTION:** Generally described as vacating that portion of access control dedicated by separate instrument to allow two existing drives onto Haskell Street to remain on the north side of Lot 1, Tract B, Meyers Gardens Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located north of Pawnee on the southwest corner of Haskell Avenue and Seneca Street (WCC IV)

**REASON FOR REQUEST:** Improve chances for redevelopment

**CURRENT ZONING:** The site and abutting south properties are zoned LC Limited Commercial. Adjacent northern properties are zoned LC and B Multi-Family Residential. Abutting western and adjacent eastern properties are zoned SF-5 Single-Family Residential.

**VICINITY MAP:**



The applicant proposes to vacate that portion of access control dedicated by separate instrument to allow two existing drives onto Haskell Street to remain on the north side of the subject site; Lot 1, Tract B, Meyers Gardens Addition. Access control onto Haskell was established by a Commercial Lot Split, SUB2008-00071, which allowed one drive onto Haskell and two onto Seneca Street; DOC#/FLM-PG-29025168. Haskell Avenue is a local residential street with 50-foot of right-of-way at this location. The subject site is a parking lot. One of the subject drives is located approximately 20 feet from the west end of the subject lot. The abutting west single-family residences are zoned SF-5 Single-Family Residential. The other, east, subject drive is located approximately 75 feet from the Haskell Avenue – Seneca Street intersection. Approximately 135 feet separate the two subject drives. The current Subdivision standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC.

North, across Haskell Avenue, a LC Limited Commercial zoned restaurant has two drives located to the east and west of the subject site's east drive and a LC zoned office-warehouse has another drive located in-line with the subject site's west drive. The abutting south LC zoned property's fast food restaurant parking and circulation layout includes a potential connection to the subject site's west drive onto Haskell Avenue. However, the applicant's site plan shows no connection, but instead shows the subject site's outdoor mechanical equipment and the site's dumpster located in what would have been cross lot access for the abutting south property's fast food restaurant to the subject site's west drive. The proposed placement of the site's mechanical equipment and the dumpster would seem to eliminate the south abutting fast food restaurant's traffic from using the subject site's west drive and impacting the established west abutting SF-5 zoned single-family residences. The abutting south property and the subject site share a drive onto Seneca Street, a four lane arterial, with a center turn lane at this location. The shared drive is the subject site's only direct access onto Seneca Street.

The Meyers Gardens Addition was recorded with the Register of Deeds August 2, 2011. Commercial Lot Split SUB2008-00071 was approved October 9, 2008.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of access control dedicated by separate instrument.

- 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 October 16, 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 access control dedicated by separate instrument, and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Per the approval of the Traffic Engineer, vacate the access control dedicated by separate instrument to allow both the existing drives onto Haskell Avenue from the north side Lot 1, Tract B, Meyers Gardens Addition. All other conditions of the Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 will remain in effect.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) Provide a dedication, with original signatures, of no cross lot access from the south abutting property/site as identified on Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 onto and through the west 37.5 feet of Tract B, all in the Meyers Gardens Addition. This must be provided prior to VAC2014-00032 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) All improvements shall be according to City Standards and at the applicant's 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) Per the approval of the Traffic Engineer, vacate the access control dedicated by separate instrument to allow both the existing drives onto Haskell Avenue from the north side Lot 1, Tract B, Meyers Gardens Addition. All other conditions of the Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 will remain in effect.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) Provide a dedication, with original signatures, of no cross lot access from the south abutting property/site as identified on Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 onto and through the west 37.5 feet of Tract B, all in the Meyers Gardens Addition. This must be provided prior to VAC2014-00032 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) All improvements shall be according to City Standards and at the applicant's 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.

**STAFF REPORT**

**CASE NUMBER:** VAC2014-00033 - Request to vacate a portion of a platted front setback

**OWNER/APPLICANT:** Calvin and Janice Briggs (owners/applicants)

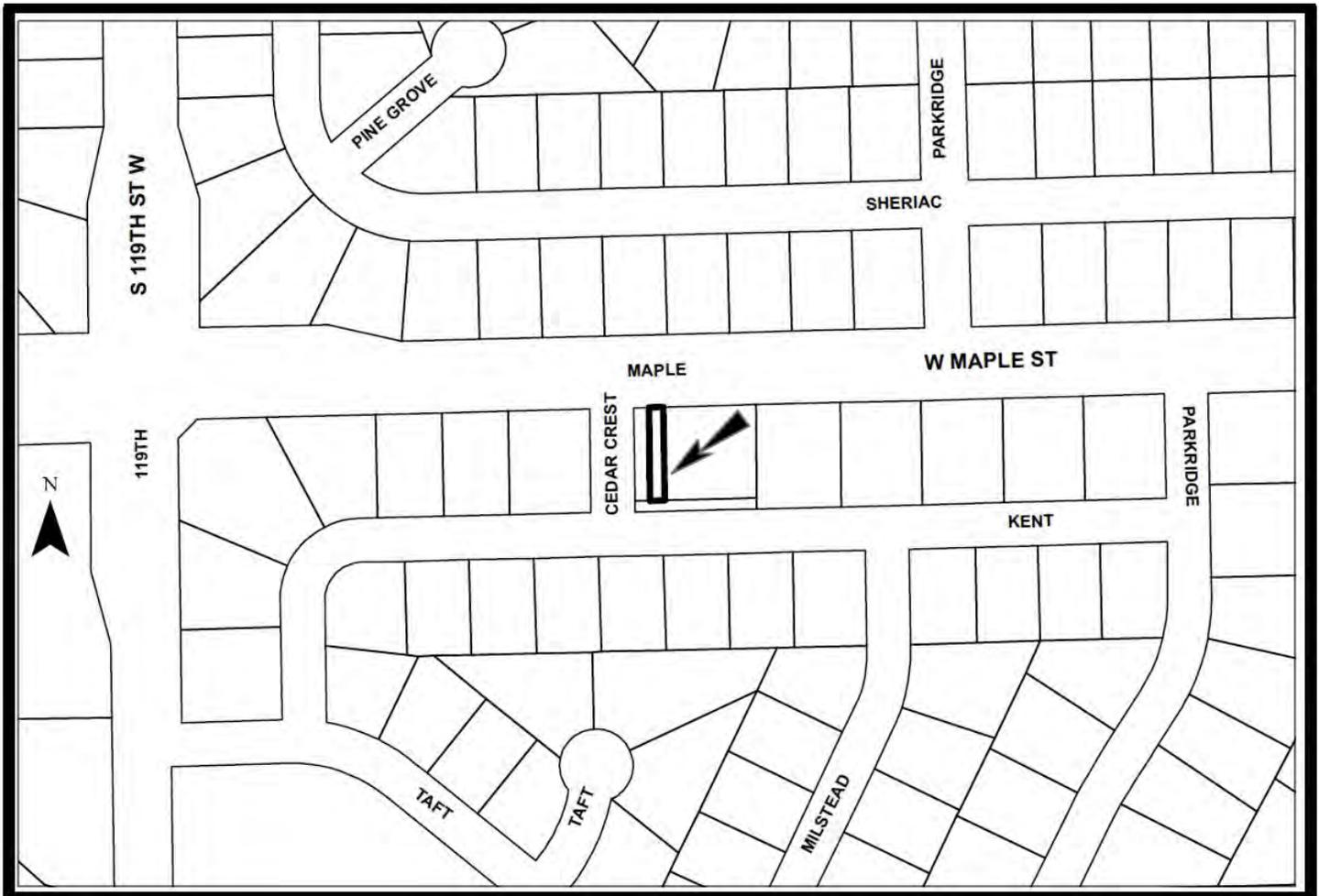
**LEGAL DESCRIPTION:** The east 20 feet of the platted 40-foot front yard setback that runs parallel to the west property line of Lot 1, Block A, Millbrook Estates Addition and Cedar Crest Road, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located east of 119<sup>th</sup> Street West on the southeast corner of Maple Street and Cedar Crest Road (WCC #IV)

**REASON FOR REQUEST:** Building expansion

**CURRENT ZONING:** Subject property and all abutting and adjacent properties are zoned SF-5 Single-Family Residence

**VICINITY MAP:**



The applicants propose to vacate the east 20 feet of the platted 40-foot front yard setback, on Lot 1, Block A, Millbrook Estates Addition. The subject corner lot is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setback was not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20% resulting in a 20-foot setback. There are no platted easements in the described portion of the platted setback. There are no utilities within the described portion of the platted setback. The Millbrook Estates Addition was recorded with the Register of Deeds March 26, 1956.

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 October 16, 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 east 20 feet of the platted 40-foot front yard setback that runs parallel to the west property line of Lot 1, Block A, Millbrook Estates Addition and Cedar Crest Road. 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**

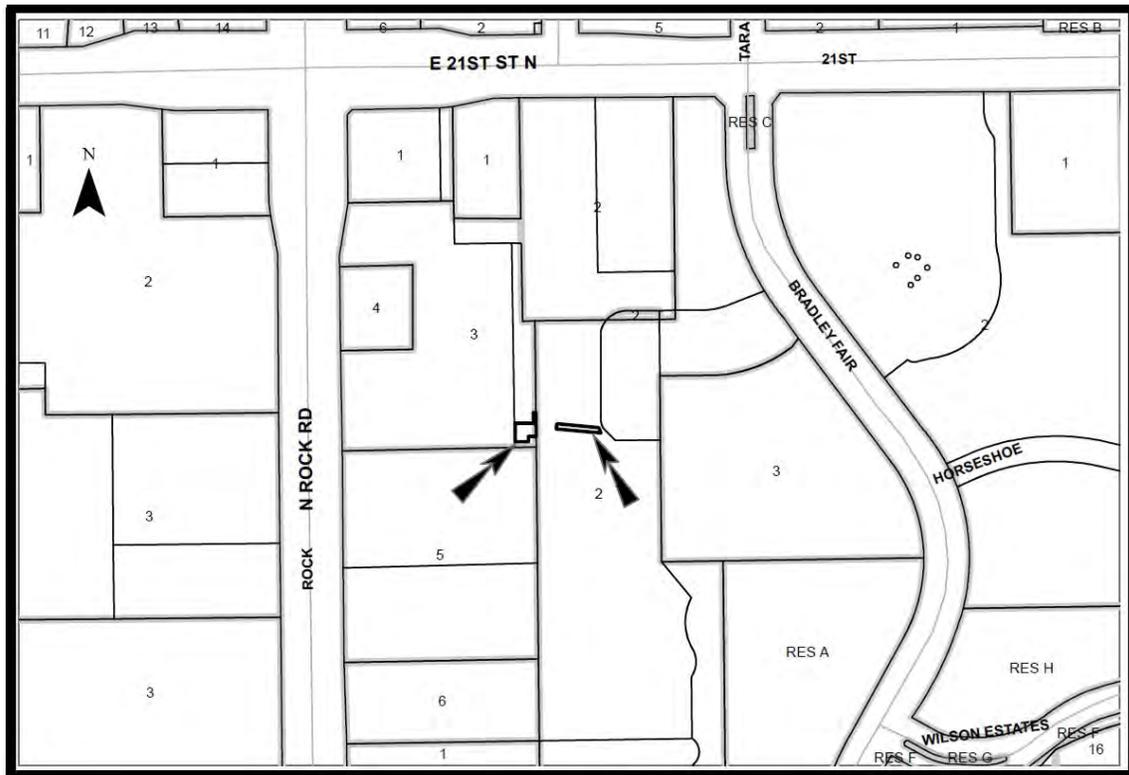
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the east 20 feet of the platted 40-foot front yard setback that runs parallel to the west property line of Lot 1, Block A, Millbrook Estates Addition and Cedar Crest Road. 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.

**STAFF REPORT**

- CASE NUMBER:** VAC2014-00034 - City request to vacate a portions of a platted utility easement, a platted wall easement, a platted setback, and two utility easements dedicated by separate instruments
- APPLICANT/AGENT:** Bradley Fair One, LLC, c/o George Laham II (applicant) MKEC Engineering, Inc., c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating those easements as shown on the attached exhibits all located in either Lots 2 or 5, all in Block 1, the Bradley Fair Addition, and Lot 2, Block 1, the Bradley Fair 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the southeast corner of 21<sup>st</sup> Street North and Rock Road (WCC II)
- REASON FOR REQUEST:** Future development
- CURRENT ZONING:** The subject site and all abutting and adjacent properties are zoned LC Limited Commercial. The subject site is subject to the overlay provisions of the Community Unit Plan CUP DP-191.

**VICINITY MAP:**



The applicant is requesting the vacation of portions of a platted utility easement, a platted wall easement, a platted setback, and two utility easements dedicated by separate instruments (5-foot utility easement (FLM-2617/PG-2352) and a utility easement (FLM-1684/PG-1394) located on either Lots 2 and 5, all in Block 1, the Bradley Fair Addition and/or Lot 2, Block 1, the Bradley Fair 2<sup>nd</sup> Addition. The applicant's proposed development's structure(s) will encroach into these easements. There is water and sewer in these easements. The applicant is requesting a Hold Harmless from Public Works and Fire to protect the proposed rerouted water and sewer lines that they are proposing to lie underneath the new structure(s). The applicant has submitted but not quite finalized 1848 PPW for the water line and fire hydrant and 2212PPS for the sewer. As a part of both projects Public Works has requested that the lines be constructed in casing pipe to help protect the pipe and leave options available for future maintenance as needed. Westar has facilities in the area they are requesting to vacate. Conditions #3 & #4 will cover Westar Energy. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320. The Bradley Fair Addition was recorded with the Register of Deeds July 16, 1993 and the Bradley Fair 2<sup>nd</sup> Addition was recorded with the Register of Deeds June 10, 1996.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions platted utility easement, a platted wall easement, a platted setback, and two utility easements dedicated by separate instruments.

- 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 October 16, 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, a platted wall easement, a platted setback, and two utility easements dedicated by separate instruments, and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide copies of the approved Hold Harmless agreements for the VAC2014-00034 case file.
- (2) Provide a copy of the recorded utility easements dedicated by separate instruments; FLM-2617/PG-2352 and FLM-1684/PG-1394. This must be provided before the vacation case proceeds to the MAPC.

- (3) Private public water project #1848 PPW for the water line and fire hydrant and Private public water project #2212PPS for the sewer must be approved before VAC2014-00034 proceeds to the City Council for final action. All improvements shall be according to City Standards and at the applicant's expense. Any relocation or reconstruction of any and all utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has facilities in the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320.
- (4) Provide a legal description of the vacated easements, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (5) Provide any needed easements, with original signatures, prior to VAC2014-00034 proceeds to City Council for final action.
- (6) As needed provide a revised copy of CUP DP-191.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide copies of the approved Hold Harmless agreements for the VAC2014-00034 case file.
- (2) Provide a copy of the recorded utility easements dedicated by separate instruments; FLM-2617/PG-2352 and FLM-1684/PG-1394. This must be provided before the vacation case proceeds to the MAPC.
- (3) Private public water project #1848 PPW for the water line and fire hydrant and Private public water project #2212PPS for the sewer must be approved before VAC2014-00034 proceeds to the City Council for final action. All improvements shall be according to City Standards and at the applicant's expense. Any relocation or reconstruction of any and all utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has facilities in the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320.
- (4) Provide a legal description of the vacated easements, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

VAC2014-00034 – Request to vacate a portions of a platted utility easement, a platted wall easement, a platted setback, and two utility easement dedicated by separate instruments

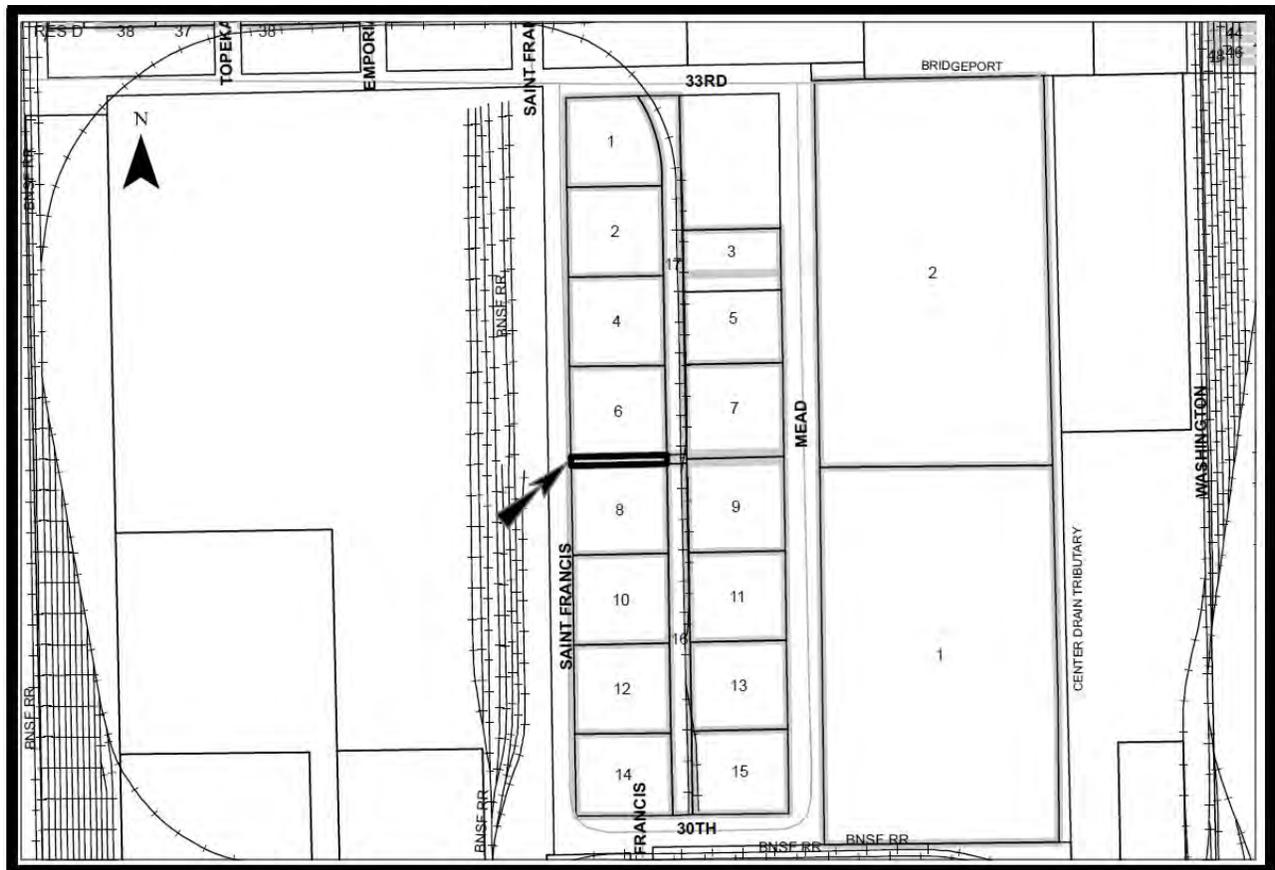
November 6, 2014

Page 4

- (5) Provide any needed easements, with original signatures, prior to VAC2014-00034 proceeds to City Council for final action.
- (6) As needed provide a revised copy of CUP DP-191.
- (7) 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.

**STAFF REPORT**

- CASE NUMBER:** VAC2014-00035 - City request to vacate a portion of a platted alley
- APPLICANT/AGENT:** Underground Vaults & Storage (applicant) KE Miller Engineering, PA, c/o Kirk Miller (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the west half of the platted 20-foot wide alley abutting Lot 6 (north side) and Lot 8 (south side), all in Block A, the west side of a platted Railroad right-of-way, all in the Santa Fe Industrial District Addition, and the east side of St. Francis Avenue, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located south of 33<sup>rd</sup> Street North on the east side of St Francis Avenue (WCC VI)
- REASON FOR REQUEST:** Future development
- CURRENT ZONING:** The subject site is platted alley right-of-way. All abutting and adjacent properties are zoned GI General Industrial
- VICINITY MAP:**



The applicant is requesting the vacation of the described western half of the platted 20-foot wide alley right-of-way (ROW). There appears to be no utilities located in the alley. A railroad track separates the subject half of the alley from the east half of the alley, which was vacated through vacation case VAC2011-00030. There is no crossing over the railroad track. There are no public utilities located on the alley. Westar has facilities near the area condition #4 will cover Westar Energy. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320

The Santa Fe Industrial District Addition was recorded with the Register of Deeds February 1, 1957.

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

- 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 October 16, 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 alley, and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the alley right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser's Office.
- (2) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (3) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.
- (4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has facilities near the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320

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

### **SUBDIVISION COMMITTEE’S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

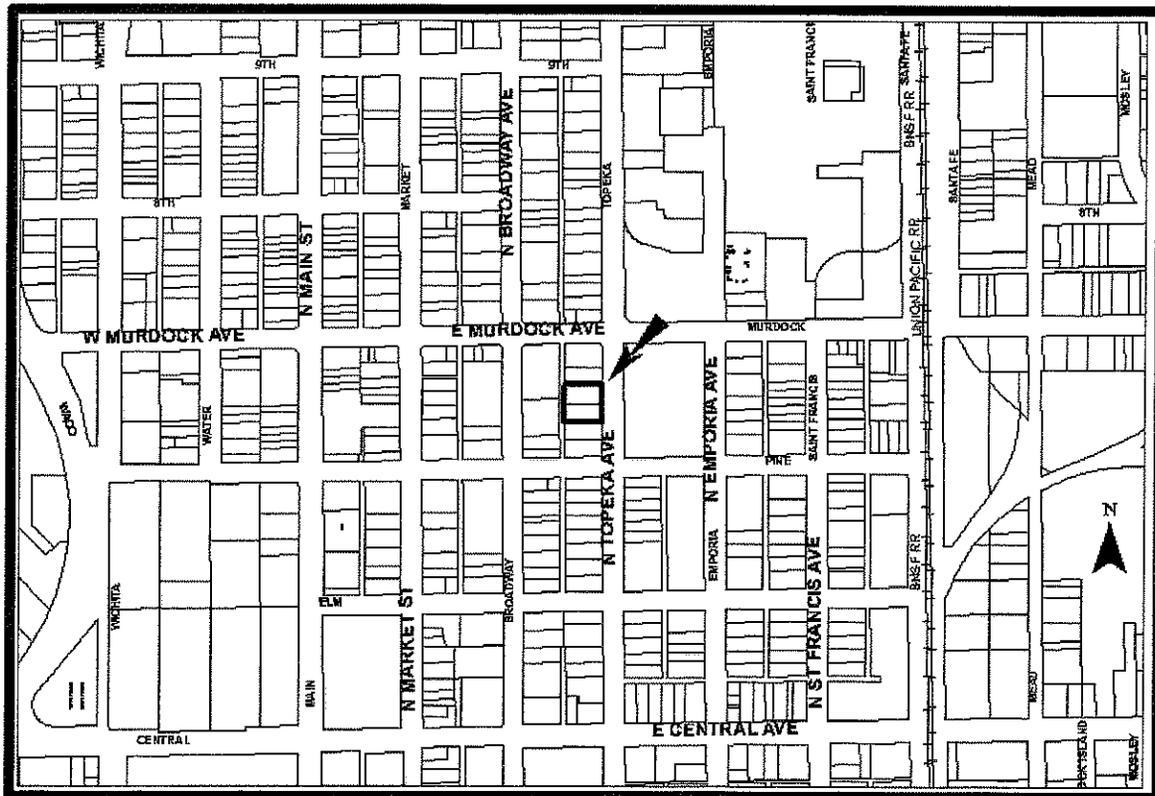
- (1) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the alley right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser’s Office.
- (2) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (3) All improvements shall be according to City Standards and at the applicant’s expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.
- (4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants’ expense. Westar has facilities near the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



# STAFF REPORT

MAPC November 6, 2014  
DAB VI November 3, 2014

- CASE NUMBER:** ZON2014-00024
- APPLICANT/AGENT:** Betzen Family Trust & Quiktrip West Inc. (owners/applicants) MKEC  
MKEC c/o Brian Lindebak (agent)
- REQUEST:** GC General Commercial zoning
- CURRENT ZONING:** B Multi-Family Residential and GO General Office zoning
- SITE SIZE:** Approximately 0.466-acres
- LOCATION:** Generally located a block east of Broadway Avenue, south of Murdock Avenue on the west side of Topeka Avenue



**BACKGROUND:** The applicants are requesting GC General Commercial zoning on the GO General Office and B Multi-Family Residential zoned subject site, which is located south of Murdock Avenue on the west side of Topeka Avenue. If approved the vacant subject site will become part of a new and larger QuickTrip (QT) convenience store. A GC zoned 24-hour, seven days a week QT convenience store with multiple gas pumps is currently located west, across a paved alley, from the subject site. A convenience store is permitted by right in the GC zoning district.

A recently cleared and now vacant GC zoned property abuts the north side of the site. A small LC Limited Commercial zoned one-story commercial building (built 1927) and undeveloped LC and B zoned lands are located further north of the subject site, across Murdock Avenue. Northeast, across Murdock Avenue, and east of the site, across Topeka Avenue, are GO and GC zoned Via Christi-St. Francis buildings (built 2000, 2004 and 2006) and their open parking lots. These medical buildings are part of the Via Christi-St. Francis medical complex, which is the dominant development in the area. The Via Christi-St. Francis medical complex covers roughly an area from Pine Street to 10<sup>th</sup> Street North (five and a half blocks) and from Santa Fe Avenue to Topeka Avenue (four blocks). A B zoned single-family residence (built 1902) abuts the south side of the site. The adjacent south and southwestern (across a paved alley) properties are zoned B and GC and are developed with four (4) two-three story apartments (built 1900, 1924 and 1930) and undeveloped land. As already noted a GC zoned QT convenience store (built 1989) is currently located west, across a paved alley, from the subject site.

**CASE HISTORY:** The subject properties, Lots 54, 56, and Lot 52, except the south 15 feet of said Lot 52, and the north 25 feet of Lot 48, all of Lot 50, and the south half of Lot 52 on Topeka Avenue, all in the J.P. Hilton's Addition to the City of Wichita was recorded with the Sedgwick County Register of Deeds January 1, 1870. The subject properties and the adjacent QT convenience store site/property are being replatted, SUB2014-00035, and are on today's November 6, 2014, agenda for consideration by the MAPC. Planning staff has spoken to several citizens about the proposed zoning. Their concerns included, but are not limited to, an increase of vagrants in the area and their impact on their adjacent apartments as a result of a larger QT.

**ADJACENT ZONING AND LAND USE:**

NORTH: GC, LC, B, GO	Undeveloped land, small commercial building, vacant land, hospital/medical facilities
SOUTH: GC, B	Single-family residence, apartments, vacant land
WEST: GC	Convenience store
EAST: GC	Medical facilities

**PUBLIC SERVICES:** The site is proposed to have: two drives onto Broadway Avenue (old US Highway 81), a paved two-way, four-lane arterial, and a drive onto Murdock Avenue, a paved two-way, four lane arterial with a center turn lane, and two drives onto Topeka Avenue, a paved one-way south, two-lane arterial. The current QT has one drive each onto Broadway and Murdock Avenues. 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. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The GC zoning district is not compatible with the urban residential category. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC District is generally compatible with the "regional commercial" designation of the Wichita-Sedgwick County Comprehensive Plan. A 24-hour, seven days a week convenience store with multiple gas pumps is first permitted in the LC zoning district, which is a more restrictive commercial zoning district than the requested GC zoning. The LC zoning district is generally compatible with the "local Commercial" or regional commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

The B and GO zoned subject properties are sandwiched between GO and GC zoning on its east (Via Christi-St. Francis medical facilities), west (the QT convenience store) and north sides (recently cleared and now vacant QT owned property). The proposed expansion of the eastern adjacent GC zoned QT is more in character with the area's most recent development (Via Christi -St. Francis medical complex) than the remaining single-family residence abutting the south side of the site, along Topeka Avenue. The area's apartments are not out of character with the area and its zoning.

The subject sites are located in the Center City Neighborhood Plan, which was adopted in February 2000. The Plan does note that the more recent developments along Broadway Avenue, including the west adjacent QT, have been automobile oriented. The Plan also notes that commercial/retail development is a high priority. The redevelopment and expansion of the QT (via the company's newest building style and layout) onto the subject site may provide an improvement to the visual impact of the area as well as providing improved access into and out of the QT site.

**RECOMMENDATION:** The request would allow all of the QT properties to be under one zoning and allow for the replacement of the existing QT site into a larger building and site. In the past the MAPC has supported the expansion of existing businesses, which is what the requested zoning would facilitate. Based on the information available prior to the public hearing, MAPD staff recommends the application for GC zoning be APPROVED, subject to a replat within a year.

This recommendation is based on the following findings:

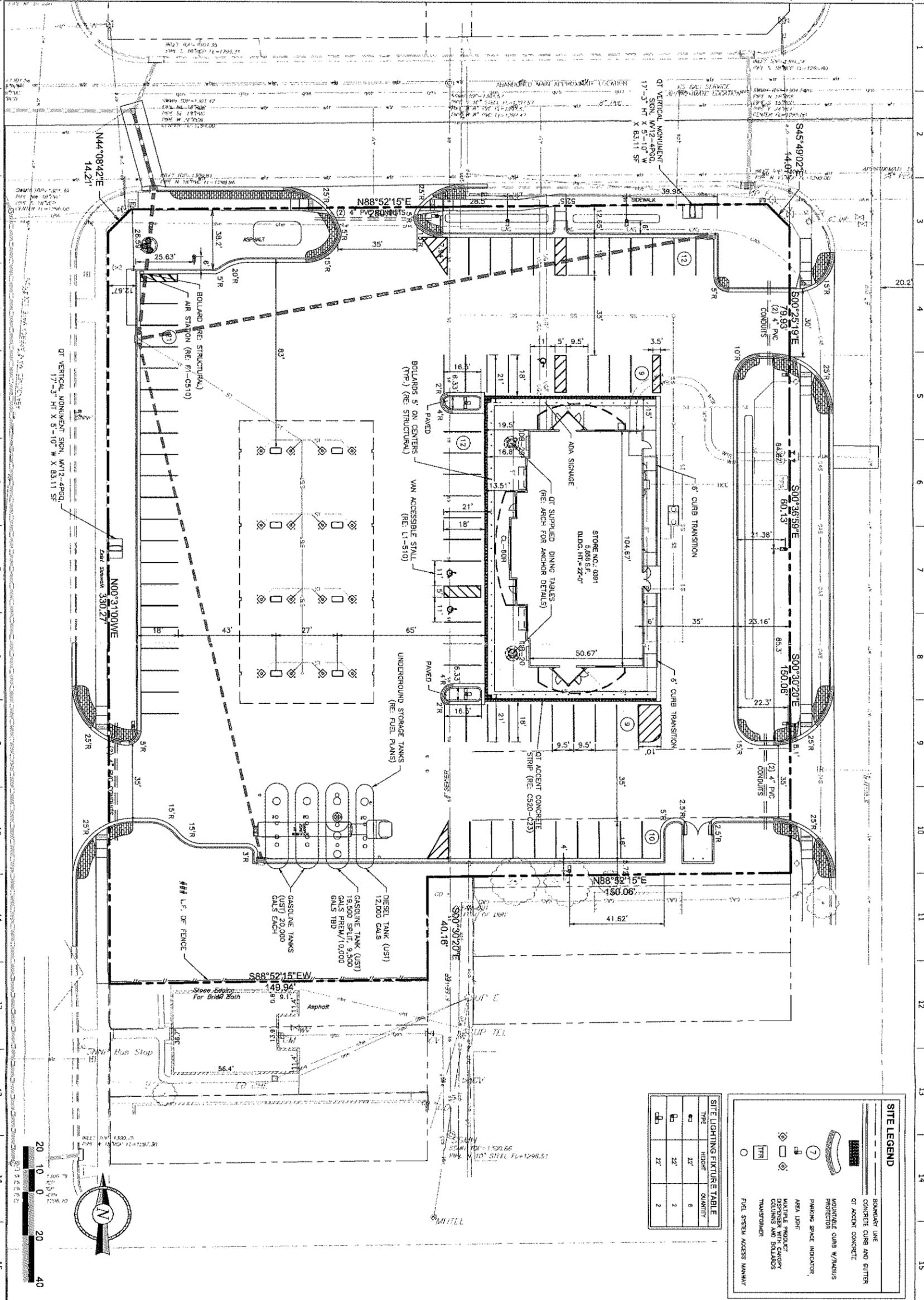
- (1) **The zoning, uses and character of the neighborhood:** A recently cleared and now vacant GC zoned property abuts the north side of the site. A small LC Limited Commercial zoned one-story commercial building (built 1927) and undeveloped LC and B zoned lands are located further north of the subject site, across Murdock Avenue. Northeast, across Murdock Avenue, and east of the site, across Topeka Avenue, are GO and GC zoned Via Christi-St. Francis buildings (built 2000, 2004 and 2006) and their open parking lots. These medical buildings are part of the Via Christi-St. Francis medical complex, which is the dominant development in the area. The Via Christi-St. Francis medical complex roughly covers an area from Pine Street to 10<sup>th</sup> Street North (five and a half blocks) and from Santa Fe Avenue to Topeka Avenue (four blocks). A B zoned single-family residence (built 1902) abuts the south side of the site. The adjacent south and southwestern (across a paved alley) properties are zoned B and GC and are developed with four (4) two-three story apartments (built 1900, 1924 and 1930) and undeveloped land. As already noted a GC zoned QT convenience store (built 1989) is currently located west, across a paved alley, from the subject site.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The B and GO zoned subject properties could be developed for residential uses, as well as office and medical services, which would not be out of character with the area. The current zoning does not allow retail or a convenience store which would prevent the redevelopment and expansion of the QT property.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested GC zoning would allow for the redevelopment and expansion of a use (QT convenience store) that has been in the area since at least 1989. The requested zoning, creates a larger QT site that would allow for easier access in and out of the site, as well as improve internal circulation and parking. This proposed redevelopment has perhaps the City's largest medical complex (Via Christi-St. Francis) as a neighbor which generates substantial vehicular traffic through the area and which does use and would continue to use the QT facility. Police would need to address the neighbor's concerns about an increase in of vagrants in the area and their impact on their adjacent apartments as a result of a larger QT.

- (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 allow a larger site for the QT which would allow for easier access in and out of the site, as well as improve internal circulation and parking. The current site is tight with no access onto Topeka Avenue. The two drives onto Topeka Avenue offer two more points of access in and out of the current site. Access onto the current site is a drive onto Murdock Avenue and another onto Broadway Avenue. The proposed drives onto Topeka Avenue relieves vehicular pressure on the Broadway and Murdock Avenue drives. 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 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. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The GC zoning district is not compatible with the urban residential category. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC District is generally compatible with the "regional commercial" designation of the Wichita-Sedgwick County Comprehensive Plan. A 24-hour, seven days a week convenience store with multiple gas pumps is first permitted in the LC zoning district, which is a more restrictive commercial zoning district than the requested GC zoning. The LC zoning district is generally compatible with the “local commercial” or regional commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

The B and GO zoned subject properties are sandwiched between GO and GC zoning on its east (Via Christi-St. Francis medical facilities), west (the QT convenience store) and north sides (recently cleared and vacant land). The proposed expansion of the eastern adjacent GC zoned QT is more in character with the area’s most recent development (Via Christi-St. Francis medical complex) than the remaining south abutting single-family residence located along Topeka Avenue. The area’s apartments are not out of character with the area and its zoning.

The subject sites are located in the Center City Neighborhood Plan, which was adopted February 2000. The Plan does note that the more recent developments, including the west adjacent QT, have been automobile oriented. The Plan also notes that commercial/retail development is a high priority. The redevelopment and expansion of the QT (via the company’s newest building style and layout) onto the subject may provide an improvement to the visual impact of the area as well as providing improved access into and out of the QT site.

- (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.



2014-24

SITE LIGHTING FIXTURE TABLE	
TYPE	QUANTITY
1	6
2	2
3	2

SITE LEGEND	
	BOUNDARY LINE
	CONCRETE CURB AND GUTTER
	ADJACENT CONCRETE
	MOUNTABLE CURB W/RADIUS
	PARKING SPACE INDICATOR
	AREA LIGHT
	MULTIPLE PRODUCT COLUMNS AND BOLLARDS
	FUEL SYSTEM ACCESS MANWAY

PROJECT NO. 2013101

CERTIFIED ENGINEERING DESIGN P.A.  
1825 W. MAIN STREET  
WICHITA, KANSAS 67213  
PH: (316) 265-9900  
FX: (316) 265-1000

## QuikTrip No. 391R

730 NORTH BROADWAY STREET  
WICHITA, KS

PROTOTYPE: 5/29/2013

VERSION: 041

DESIGNED BY: [redacted]

DRAWN BY: [redacted]

CHECKED BY: [redacted]

SHEET TITLE:  
SITE PLAN

SHEET NUMBER:  
C100

**STAFF REPORT**  
DAB VI 11-3-2014  
MAPC 11-6-2014

**CASE NUMBER:** CUP2014-00032 and ZON2014-00025

**APPLICANT/AGENT:** Amidon 1 LLC and Market Parking, Inc. (Mike Boyd) / MKEC Engineering, Inc.

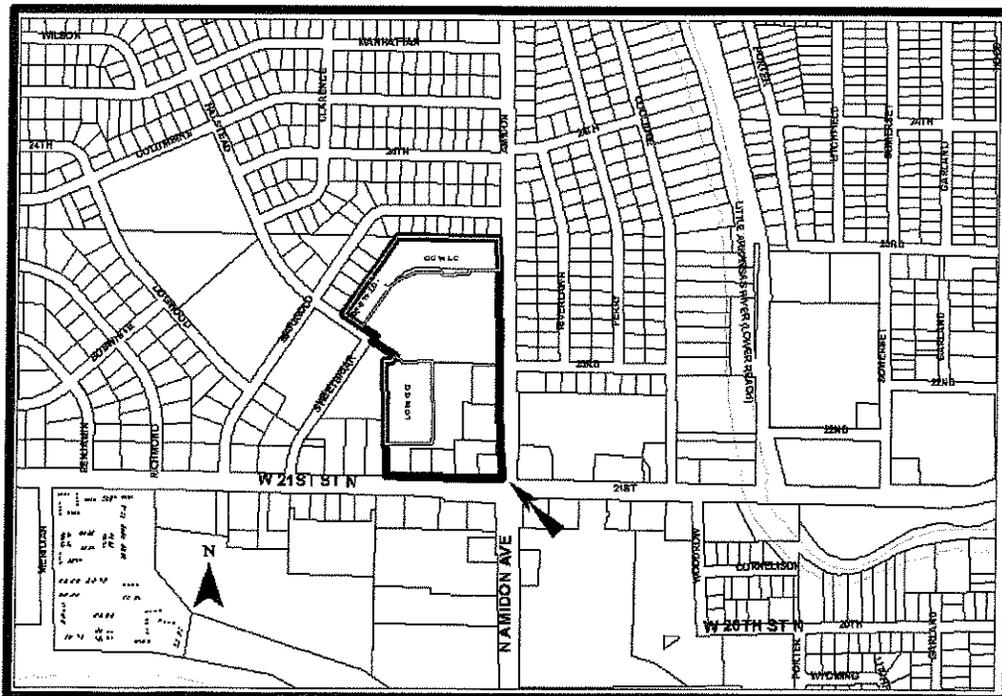
**REQUEST:** Add land to CUP DP-7 (Parcel 1); rezone Parcel 4B from Limited Commercial to General Commercial; rezone a portion of Parcel 9 from Single-Family Residential to Limited Commercial and rezone Parcel 10 from General Office to Limited Commercial

**CURRENT ZONING:** Single-Family Residential, General Office and Limited Commercial

**SITE SIZE:** 19.04 acres (proposed)

**LOCATION:** Northwest corner of North 21<sup>st</sup> Street West and North Amidon Avenue

**PROPOSED USE:** Retail sales, construction sales and service and outdoor storage of materials and equipment ordinarily associated with construction sales and service; home improvement store, warehouse, self-service storage, office, parking and residential dwelling units



**BACKGROUND:** The subject site is located at the northwest corner of North 21<sup>st</sup> Street West and North Amidon Avenue, and currently contains 18.75 acres that are zoned General Commercial (GC), Limited Commercial (LC), General Office (GO) and Single-Family Residential (SF-5), subject to the development standards contained in the Sweetbriar Shopping Center Community Unit Plan (CUP) DP-7. Currently CUP DP-7 is divided into five parcels that permit the following uses: retail shops, restaurants, office service stores, repair shops, commercial schools and storage garages (self-service warehouse).

A number of changes are proposed to the CUP:

- 1) The applicant proposes to add .29 acre to the overall area of the CUP, giving the CUP a total area of 19.04 acres. The added acreage is located primarily in proposed Parcel 1 that is located in the southeast corner of the CUP, currently contains a “loan or cash for title” establishment and is unplatted. The property on which the “loan or cash for title” establishment is located was not included within the boundary of the original CUP.
- 2) The proposed CUP is to be divided into 12 parcels instead of five. Parcel 1 of the existing CUP contains 15.19 acres, and is proposed to be divided into eight other parcels varying in size from 4.54 acres to .34 acre.
- 3) Uses proposed to be allowed in all parcels except Parcel 10 include all uses permitted by right in the LC zoning district except for: adult entertainment establishment, cemetery, convalescent care facility, single-family residential, group home, recycling processing center, reverse vending machine, utility, construction sales and service, nightclub in the city, vehicle repair limited and general, asphalt or concrete plant.
- 4) Proposed Parcel 4B, which currently contains Sutherlands Building Materials, is proposed to be rezoned from LC to GC to permit a larger area for outdoor storage of materials and equipment than is allowed in the LC zoning district. Parcel 4B is proposed to permit “construction sales and service” and the outdoor storage of materials and equipment ordinarily associated with construction and sales services activities, and also home improvement stores, and all uses permitted in Parcels 4A and 4C. Material and equipment stored outside shall be screened from view from public streets. The outdoor storage of heavy equipment (such as front end loaders, tractors, backhoes, bobcats, trenchers, etc.) typically associated with construction sales and service activities as well as the outdoor storage of unpackaged rock, soil, gravel or sand or similar raw materials is prohibited.  
  
The Wichita-Sedgwick County Unified Zoning Code (UZC) defines “construction sales and service” as an establishment engaged in the retail or wholesale of materials used in the construction and or maintenance of buildings or other structures and or grounds, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers or lawn and garden supply stores. (UZC, Article II, Section II-B.3.n)
- 5) It is proposed to rezone from SF-5 to LC the 121 feet by 251 feet of the westernmost portion of proposed Parcel 9, currently used for parking.
- 6) Proposed Parcel 10, developed with self-storage warehouses, is to be rezoned from GO to LC. Uses proposed for Parcel 10 include: self-service warehouse, general office, parking and two-family residential or multi-family residential dwelling units.
- 7) Building setbacks are proposed to be 35 feet along 21<sup>st</sup> Street West and North Amidon Avenue (General Provision 7). Currently DP-7’s setbacks along 21<sup>st</sup> Street West and North Amidon vary between

35 feet and 100 feet. The UZC requires all main buildings or structures to be set back at least 35 feet from all street right-of-way lines or alleys (UZC, Article III, Section III-C.2.b(2)(a1)). Fifteen-foot setbacks are shown along the northern and western property lines except for one section that has a 25-foot setback. (The applicant is advised that the building code or the fire code may require greater separation than 15 feet and those codes supersede

8) General Provision 6.A should be modified to read: Loading and work areas adjoining residential areas shall be screened from ground view. Loading and work areas located within 150 feet of a public street shall be screened from ground level view. Screening of existing unscreened loading and work areas are grandfathered. Screening for existing unscreened loading and work areas shall be required until the parcel has remodeling or redevelopment that exceeds 50 percent of the parcels appraised value, has a 30 percent increase in floor area.

9) General Provision 12.B. Access controls shall be as shown on the plat.

The property has a screening wall along the north and western property lines that screen the center's commercial uses from abutting and adjacent residential uses. A 25-foot waterline easement runs diagonally through the center of the CUP. There are 20-foot building setbacks associated with the water line easement.

Land located to the north of the application area is zoned SF-5 and developed with single-family residences. Properties located to the west are zoned SF-5, Multi-family Residential (B) and LC, and are developed with a club or neighborhood swimming pool, single-family residences, fast food restaurants and a church. Properties located to the south, across North 21<sup>st</sup> Street West are zoned LC subject to a CUP, and are developed with a variety of uses, such as a bank, discount box store or fast food restaurants. Land to the east, across Amidon Avenue is developed with a grocery store, a vacant retail store, an office and single-family residential.

A replat of the application area, including the unplatted tract identified as proposed Parcel 1, has been submitted, and is named the Sweetbriar Second Addition.

**CASE HISTORY:** The Sweetbriar Gardens Commercial CUP was established in June of 1965. The CUP has been amended seven times previously. The most recent amendment was in 1998 and permitted additional self-storage warehousing. The Sweetbriar Addition was recorded in 1965.

**ADJACENT ZONING AND LAND USE:**

North: SF-5; single-family residential  
South: LC subject to a CUP; shopping center with discount box store, bank, fast food restaurants and offices  
East: LC, GO and SF-5; grocery store, retail sales, office and single-family residences  
West: SF-5, B and LC; single-family residences, club or neighborhood swimming pool, church and fast food restaurants

**PUBLIC SERVICES:** The site is served by municipal services. North 21<sup>st</sup> Street West is a paved four-lane arterial street with raised medians at and near the intersection of 21<sup>st</sup> Street and North Amidon Avenue. North Amidon Avenue also a four-lane arterial with raised medians at or near the intersection of Amidon Avenue and 21<sup>st</sup> Street West. Improvements to Amidon Avenue are anticipated in 2015.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide Map

indicates the site is appropriate for “local commercial” uses. The “local commercial” category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

**RECOMMENDATION:** Based upon the information available at the time the report was prepared, staff recommends approval of the zone changes and amendments to CUP DP-7 subject to completing the replat of the application area and the development guidelines 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 CUP DP-7) includes special conditions for development on this property.
- B. Unless specifically modified, the development shall comply with all applicable ordinances, regulations or codes, including but not limited to zoning, fire, building and sanitation.
- C. 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 to the north of the application area is zoned SF-5 and developed with single-family residences. Properties located to the west are zoned SF-5, Multi-family Residential (B) and LC, and are developed with a club or neighborhood swimming pool, single-family residences, fast food restaurants and a church. Properties located to the south, across North 21<sup>st</sup> Street West are zoned LC subject to a CUP, and are developed with a variety of uses, such as a bank, discount box store or fast food restaurants. Land to the east, across Amidon Avenue is developed with a grocery store, a vacant retail store, an office and single-family residential.
2. The suitability of the subject property for the uses to which it has been restricted: The Sweetbriar Gardens Commercial CUP DP-7 and its LC zoning was established in June of 1965. The site could continue to be economically viable as currently zoned; however, the proposed zone changes and CUP amendments address existing tenant needs (larger outside storage and display) or clean up potential zoning issues (self-service warehouses in GO zoning and commercial parking on SF-5 zoned property).
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zoning for the site was approved in 1965 and has been operating as a commercial center since that time. The proposed zone changes and CUP amendments address existing tenant needs (larger outside storage and display), clean up potential zoning issues (commercial parking on SF-5 zoned property), provide the center with uniform commercial zoning (GO and SF-5 zoned portions rezoned to LC) and the creation of additional parcels, which creates additional development sites. The requested changes should not detrimentally impact nearby property owners to any greater extent than the existing development.
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 represents a gain to the public in that it contributes to the existing center’s long term economic opportunity. Denial would presumably represent a loss in economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and

policies: The 2030 Wichita Functional Land Use Guide Map indicates the site is appropriate for “local commercial” uses. The “local commercial” category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The uses currently located and/or allowed by the proposed CUP meet the plan’s designation.

6. Impact of the proposed development on community facilities: Existing or proposed improvements are in place to address anticipated demands.



Wichita-Sedgwick County Metropolitan Area Planning Commission  
November 6, 2014

**TO:** Wichita-Sedgwick County MAPC Members  
**FROM:** Wichita-Sedgwick County Metropolitan Area Planning Department  
**SUBJECT:** Wichita Multi-Modal Accommodation Policy and Street Design Guidance

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**Recommendation:** It is recommended that the MAPC recommend endorsement of the Multi-Modal Accommodation Policy and Street Design Guidance, October 2014 by the City Council.

**Background:** 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 street design guidance; and policy to help ensure that roadway improvements are designed to increase safety and improve accessibility of all transportation network users.

On February 11, 2014 the City Council approved the selection and contract with Professional Engineering Consultants (PEC) to undertake the preparation of the policy and street design guidance. A project team of City staff, with representatives from Planning, Engineering, Street Maintenance, and Transit was formed to assist with the project. Over the last six months, the project team has worked with the consultants to draft street design guidance and a multi-modal policy that meets the needs of the Wichita community.

On August 26, 2014, the working draft of the Street Design Guidelines; Wichita's Policy Manual for Multi-Modal Transportation was presented to the City Council at a workshop session.

On September 25, 2014, the Policy and design guidance were presented to the Advance Plans Committee. The committee questions focused on the benefits; costs; and processes for implementing the policy and design guidance. The Advance Plans Committee voted unanimously to forward the draft Plan to the MAPC for review.

**Analysis:** This project consists of two major components: a multi-modal accommodation policy and street design guidance (described below).

*Multi-Modal Policy* – this policy will direct staff to consider multiple modes of transportation and the context for improvement and maintenance projects in street right-of-way and public access easements. It will help formalize the City's current practices to design streets for multiple modes of transportation (i.e. people walking, bicycling, driving, and taking transit), where recommended in City plans. The policy indicates that multi-modal facilities will not be provided when: modes are prohibited; costs or impacts are disproportionate; improvements are infeasible; improvements are impractical; or maintenance activities do not offer practical opportunities for providing accommodations. The policy directs staff to create a Multi-Modal Committee to coordinate, determine when multi-modal accommodation as part of other projects is appropriate, review, monitor, and report on projects.

*Street Design Guidelines* – this information will help provide guidance for the design of public streets, within the street rights-of-way (established by the subdivision process). This guidance can help provide

greater levels of predictability and layout options for multi-modal design of Wichita streets. This product combines information from multiple documents into one single reference document, and the guidance includes recommendations for different features (i.e. travel lanes, turn lanes, sidewalks, bike lanes, paths, sidewalks, etc.) – each according to different contexts (i.e. urban core, general urban, suburban).

Endorsement of the policy and street design guidance by the City Council will not make any changes to the Zoning Code, Subdivision Regulations, or Sidewalk Ordinance. The policy and design guidance help to implement the transportation networks recommended in the Wichita Bicycle Master Plan (endorsed by the City Council on February 5, 2013); the draft Wichita Pedestrian Master Plan; and the draft Wichita Transit Vision Plan.

**Financial Considerations:** No funding is attached to either the policy or the street design guidance; and endorsement of them by the City Council does not involve any commitment by the City for future funding. The funding of multi-modal facilities will need to be considered and initiated through separate processes. Please see Appendix A of the Street Design Guidelines document for a description of how the policy should be implemented and the financial impacts assessed on an individual project basis.

**Recommendations/Actions:** It is recommended that the MAPC recommend endorsement of the revised Multi-Modal Accommodation Policy and Street Design Guidance, October 2014 by the City Council.

**Attachments:**

- A copy of the Street Design Guidelines; Wichita’s Policy Manual for Multi-Modal Transportation (containing the policy and design guidance) is available on the project webpage at the web address listed below.
  - <http://www.wichita.gov/Government/Departments/Planning/Pages/Multi-ModalPolicyandStreetDesignGuidance.aspx>