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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, November 20, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, November 20, 2014**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th 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: No Minutes

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2014-00037: One-Step Final Plat – MOSCELYN MEADOWS ADDITION**, located north of Kellogg, on the west side of 151st Street West.

Committee Action: APPROVED 3-0
Surveyor: Abbott Land Survey
Acreage: 4.38
Total Lots: 3

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 – 10th Floor, City Hall, 455 N. Main Street, Wichita, Kansas

- 3-1. **VAC2014-00036: City request to vacate platted front setbacks on multiple lots**, generally located north of 29th Street North, east of 119th Street West, on the north side of Fontana Street, on the east and west sides of Parkridge Street and the north portion of Chambers Street.

Committee Action: APPROVED 3-0

- 3-2. **VAC2014-00037: City request to vacate portions of platted setbacks, street right-of-way and a platted easement on property**, generally located on the southwest corner of Lincoln Street and Hydraulic Avenue.

Committee Action: APPROVED 3-0

- 3-3. **VAC2014-00038: City request to vacate platted easements on property**, generally located on the northeast corner of 21st Street North and Ridge Road.

Committee Action: APPROVED 3-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: CUP2014-00024 and ZON2014-00019(deferred from 8-21-14)
Request: County zone change from SF-20 Single-family Residential to LC Limited Commercial and County request to create commercial Community Unit Plan CUP DP-335.

- General Location: East of 135th Street West on the northeast corner of Forest View Street and 21st Street North.
Presenting Planner: Dale Miller
5. Case No.: ZON2014-00026
Request: City zone change request from TF-3 Two-family Residential and LC Limited Commercial to LI Limited Industrial.
General Location: 1/4 mile south of Pawnee Avenue on the northeast corner of Southeast Boulevard and East Glen Oaks Drive.
Presenting Planner: Dale Miller
6. Case No.: ZON2014-00027
Request: City zone change request from B Multi-family Residential to LC Limited Commercial.
General Location: North of 21st Street North, on the southeast corner of Grove Avenue and Audrey Street.
Presenting Planner: Dale Miller
7. Case No.: ZON2014-00028
Request: City request to amend Protective Overlay PO-78 to allow a wireless communication facility with a 100-foot monopole on the GC General Commercial zoned property.
General Location: North of MacArthur Road and northwest of K-42 Highway.
Presenting Planner: Bill Longnecker
8. Case No.: CON2014-00030
Request: City conditional use to permit a nightclub in the city within 300 feet of residential zoning.
General Location: 1/4 mile north of East 13th Street North and 1/2 mile east of North Webb Road (1550 N. Lindberg Circle).
Presenting Planner: Dale Miller
9. Case No.: CUP2014-00035
Request: City request to amend Community Unit Plan CUP DP-194 to allow a nightclub in the city on GC General Commercial zoned Parcel 1.
General Location: South of 32nd Street North and east of Rock Road (8343 E. 32nd Street North).
Presenting Planner: Bill Longnecker
10. Case No.: PUD2014-00002
Request: Request for a zone change from LI Limited Industrial to PUD Planned Unit Development.
General Location: 5/8 mile north of 47th Street South on the east side of West Street.
Presenting Planner: Dale Miller

NON-PUBLIC HEARING ITEMS

11. Case No.: Conformity of the Union Station Project Plan for the Union Station Redevelopment District with the Wichita-Sedgwick County Comprehensive Plan
Presenting Planner: Mark Elder

12. Other Matters/Adjournment

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

STAFF REPORT

CASE NUMBER: SUB2014-00037 – MOSCELYN MEADOWS ADDITION

OWNER/APPLICANT: JBL, Inc., 4911 South Meridian, Wichita, KS 67217

SURVEYOR/AGENT: Abbott Land Survey, 520 South Holland, Suite 103, Wichita, KS 67209

LOCATION: North of Kellogg, on the West side of 151st Street West (District IV)

SITE SIZE: 4.38 acres

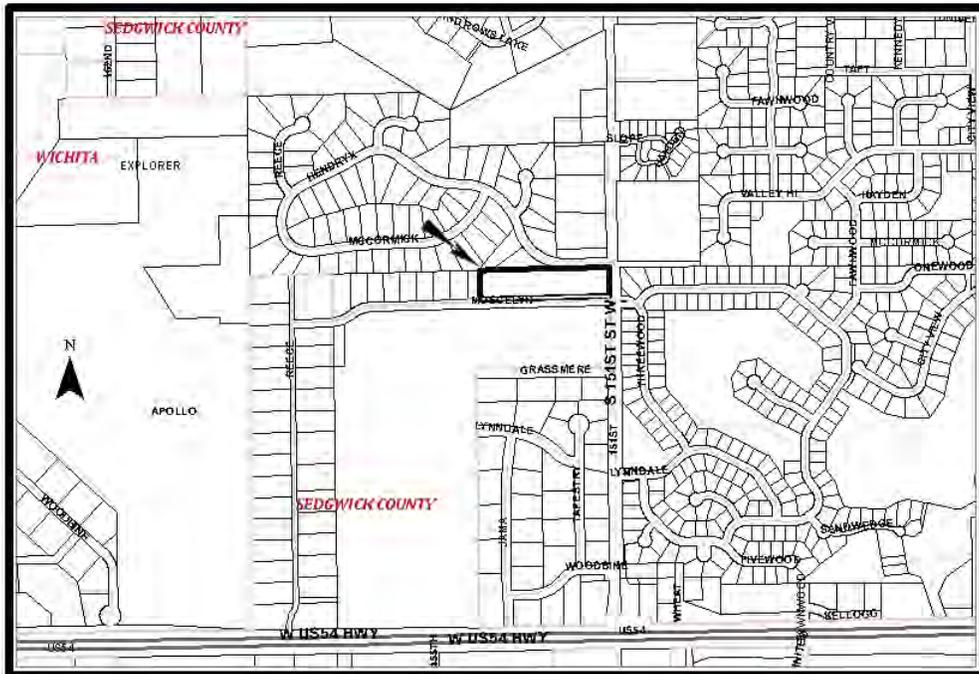
<u>NUMBER OF LOTS</u>	
Residential:	3
Office:	
Commercial:	
Industrial:	
Total:	3

MINIMUM LOT AREA: 1.46 acres

CURRENT ZONING: SF-5 Single-family Residential

PROPOSED ZONING: Same

VICINITY MAP



**SUB2014-00037 -- Plat of MOSCELYN MEADOWS ADDITION
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NOTE: This is an unplatted site located within the City of Wichita.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water is available to serve Lots 1, 2 and 3. The applicant needs to extend sanitary sewer (laterals) across the street to serve Lots 1, 2 and 3. Water transmission in-lieu-of-assessments are due. A 10-foot x 10-foot utility easement is needed in the southwest corner of Lot 1. A 10-foot x 10-foot utility easement is needed in the southeast corner of Lot 2. East-west arrows are requested to clarify the location of the 20-foot drainage and utility easement on the west side of Lot 3.
- B. City Stormwater Management has approved the drainage plan subject to receiving a draft lot grading plan prior to the City Council and a cross lot drainage agreement is recorded with the plat that permits storm runoff through Lots 1, 2, and 3.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Engineering has requested a No Protest Agreement for future paving of Moscelyn Lane.
- E. The plat proposes complete access control along 151st Street West and three openings along Moscelyn. City Traffic Engineering has approved the access controls along 151st Street West. County Public Works has requested 75 feet of complete access control along the east end of Moscelyn and advises that access control is not needed along the remainder of the Moscelyn frontage.
- F. The vicinity map needs corrected as the proposed subdivision is in the southeast quarter and arterial street names need added.
- G. County Surveying advises the sanitary sewer easement needs located east-west.
- H. County Surveying advises Moscelyn Lane road right-of-way cannot be dedicated with the plat as described in the platlor's text. The right-of-way for Moscelyn Lane needs to be verified with recording data or the current owner of the right-of-way will also need to sign the plat and dedicate the right-of-way to the public. Said right-of-way legal description will also need to be included in the Certificate of Survey.
- I. County Surveying advises the water line and the pipeline are not shown along the east line of the plat. The pipeline company may require a minimum 50-foot setback from the pipeline when the partial release is obtained.
- J. County Surveying advises the telephone line along Moscelyn Lane is not shown on the plat.
- K. In the platlor's text the 80' street right-of-way along 151st Street West needs changed to 60'.
- L. On the final plat, the north line of Lots 1 and 3 should be a bold line.
- M. It is recommended the tree line and trees be shown on the preliminary plat.
- N. For lots with existing tree rows that may be impacted by the installation of utilities, it is recommended that 30-foot utility easements be platted in order to allow for the installation of the utilities without damage to such tree rows.

SUB2014-00037 -- Plat of MOSCELYN MEADOWS ADDITION
November 20, 2014 - Page 3

- O. County Surveying and MAPD requests review of a platting binder and pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- P. 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.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. 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.
- S. 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.
- T. 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.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Westar Energy advises of possible existing Westar equipment in this location. Lee Sailsbury is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6859. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- W. 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).

The applicant proposes to vacate the inside 5 feet of the platted 25-foot front yard setback on Lots 34-46 (inclusive), Block 1, Lots 1-6 (inclusive), Block 2, and Lots 8-10 (inclusive), Block 2, all in the Fontana 4th Addition. All of the subject lots are zoned SF-5 Single-Family Residential. One of the subject lots is a corner lot; Lot 1, Block 2, Fontana 4th Addition. One of the subject lots is a key corner lot; Lot 34, Block 1, Fontana 4th Addition. Both the corner lot's and the key corner lot's short street frontage (and thus establishing both of their front yard setbacks) matches the other subject lots' street frontage; Parkridge Street. The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setbacks were 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. The applicant's request does not exceed what is permitted by an Administrative Adjustment. There are no platted easements in the described portion of the platted front yard setback. There appears to be no public utilities within the described portion of the platted front yard setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback. The Fontana 4th Addition was recorded with the Register of Deeds August 7, 2009.

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 platted front setbacks on multiple lots.

- 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 30, 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 platted front setbacks on multiple lots, 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 inside 5 feet of the platted 25-foot front yard setback on Lots 34-46 (inclusive), Block 1, Lots 1-6 (inclusive), Block 2, and Lots 8-10 (inclusive), Block 2, all in the Fontana 4th Addition. 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 inside 5 feet of the platted 25-foot front yard setback on Lots 34-46 (inclusive), Block 1, Lots 1-6 (inclusive), Block 2, and Lots 8-10 (inclusive), Block 2, all in the Fontana 4th Addition. 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: VAC2014-00037 - City request to vacate portions of platted setbacks, street right-of-way and a platted easement

APPLICANT/AGENT: QuikTrip West Incorporated, c/o Truitt Priddy (owners/applicant) MKEC Engineering Inc., c/o Brian Lindebak (agent)

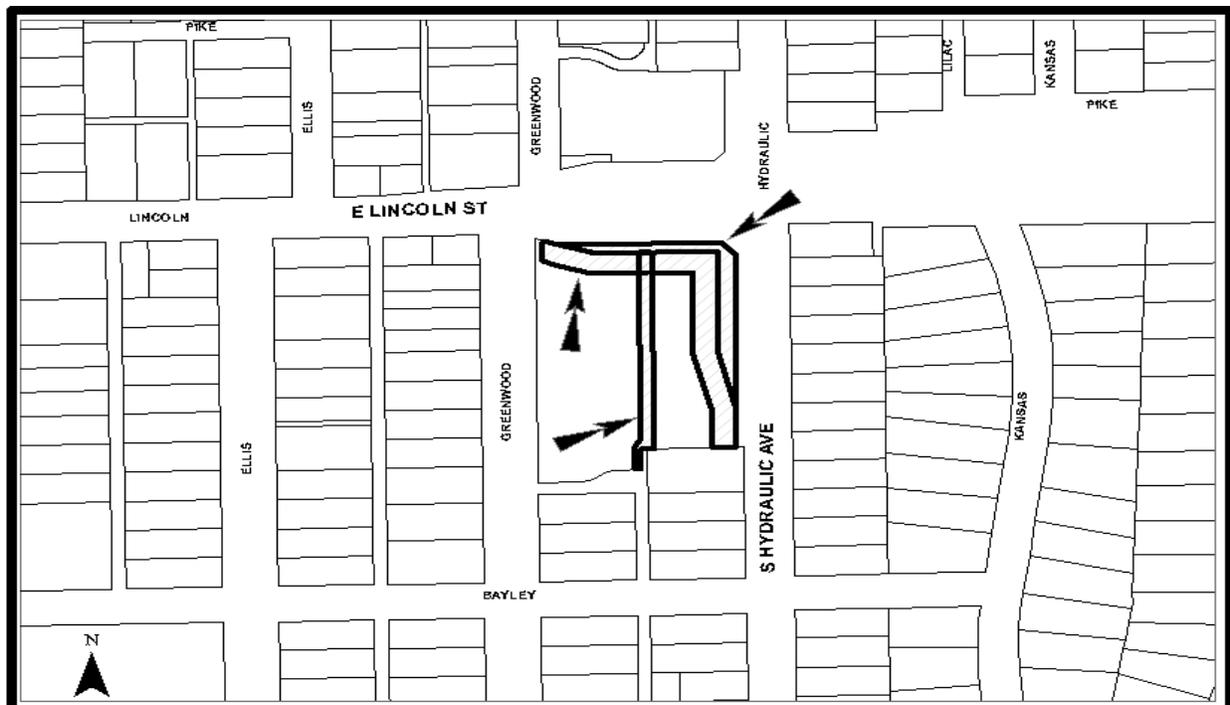
LEGAL DESCRIPTION: Generally described as vacating the described portions (see attached legal) of the platted Lincoln Street right-of-way abutting the north side of Lot 1, the platted Hydraulic Avenue right-of-way abutting the east side of Lot 1, the platted 35-foot front yard setback running parallel to the north property line of Lot 1, the platted 35-foot street side setback running parallel to the east property line of Lot 1 & the platted Gas Service Co., easement, all in the Dillon 5th Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the southwest corner of Lincoln Street and Hydraulic Avenue. (WCC #I)

REASON FOR REQUEST: Redevelop the site into the newest QuikTrip building and layout

CURRENT ZONING: The site is zoned LC Limited Commercial. Adjacent, across Lincoln Street, north properties are zoned LC and B Multi-Family Residential. Abutting south and adjacent south, across an alley, east, across Hydraulic Avenue, and west, across Greenwood Avenue, properties are zoned TF-3 Two-Family Residential.

VICINITY MAP:



The applicant proposes to vacate the described portions of the platted Lincoln Street right-of-way abutting the north side of Lot 1 and the platted Hydraulic Avenue right-of-way abutting the east side of the corner subject lot; as established by Lot 1, Dillon 5th Addition. Approval of the request is contingent on review and approval by the Traffic Engineer. There does not appear to be any public utilities located within the described street right-of-ways.

The LC Limited Commercial zoned subject site is a corner lot. Per the Unified Zoning Code (UZC) a corner lot's shortest street frontage is its front yard. The subject site's Lincoln Street frontage is shorter than its Hydraulic Avenue frontage. The applicant proposes to vacate the platted 35-foot front yard setback running parallel to the north property line of Lot 1, along Lincoln Street, and the platted 35-foot street side yard setback running parallel to the east property line of Lot 1, along Hydraulic Avenue, all in the Dillon 5th Addition. The applicant's attached exhibit shows a 20-foot setback along both its Lincoln Street frontage and its Hydraulic Avenue frontage.

The LC zoning district has a minimum front yard setback (Lincoln Street frontage) of 20 feet, provided that the minimum required front yard setback may be reduced pursuant to UZC, Sec. III-E.2.e(5). Sec. III-E.2.e(5) references setback averaging, which is not applicable to this property. If the setback was not platted the applicant could have requested an Administrative Adjustment to reduce the front setback by 20% resulting in a 16-foot setback. Any further reduction of the setback would require a variance, which is a separate Public Hearing process.

The LC zoning district has a minimum street yard setback (Hydraulic Avenue frontage) of 10 feet. However Compatibility standards for Setbacks apply to all uses in MF-18 and less restrictive base zoning Districts when such uses are located on Zoning Lots within 500 feet of property zoned TF-3 or more restrictive, except, however, that when the separating Street is a freeway or expressway, compliance with the compatibility standards shall not be required. There is TF-3 zoned property located east of the site across Hydraulic Avenue. Hydraulic Avenue is not a freeway or expressway. Compatibility setback standards (15-25 feet) may be reduced or waived. Waving the Compatibility setback still leaves the LC zoning district's minimum street yard setback (Hydraulic Avenue frontage) of 10 feet. An Administrative Adjustment to reduce the street side yard setback by 20% resulting in an 8-foot setback. Any further reduction of the setback would require a variance, which is a separate Public Hearing process. There does not appear to be any public utilities located within the platted setbacks.

Although the 20-foot Gas Service Company easement is shown on the plat, the plat's text makes no mention of it allowing any public utilities or any other utilities in this easement. The plat's text states that the easement is granted to the Gas Service Company. Because of this specific reference to the easement being used by only a franchise utility, it is a private easement, which the City has no jurisdiction over. The applicant has been in contact with the Kansas Gas Service Company in relocating their gas main in the 20-foot Gas Service Co., easement. The release of the easement will be in effect once the relocation of the gas main and its facilities is complete. This release will be completed via a Quit Claim Affidavit. Kendall Regier, Senior Technical Analyst, is the contact person for the Kansas Gas Service Company; 316-832-3178.

There is a private sewer line in the vicinity of the 20-foot Gas Service Company easement. Westar has street lights along the Lincoln Street right-of-way. The Dillon 5th Addition was recorded with the Register of Deeds October 31, 1974.

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 of platted setbacks, street right of-way and a platted easement.

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 30, 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 platted setbacks, street right of-way and a platted easement and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a covenant(s) binding and tying the vacated portions of Lincoln Street and Hydraulic Avenue to the abutting Lot 1, Dillon 5th Addition. This covenant(s), with the applicants' original signatures shall be provided to the Planning Department prior to this case going to City Council for final action. This covenant(s) will go with the Vacation Order to the Register of Deeds for recording.
- (2) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) gas lines, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. Provide a copy of the approved Quit Claim Affidavit from the Kansas Gas Service Company. All to be provided to the Planning Department prior to this case going to City Council for final action. Contact LaDonna Vanderford, area Construction Representative (316/261-6490) for Westar equipment/street lights in Lincoln Street.
- (3) Provide any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action.
- (4) Vacate the platted 35-foot setbacks running parallel to north (along Lincoln Street) property line and east (along Hydraulic Avenue) property line of Lot 1, Dillon 5th Addition's. The subject site's Hydraulic Avenue street side yard setback shall be a minimum of 8 feet and the subject site's Lincoln Street front yard setback shall be a minimum of 16 feet.
- (5) Provide Planning with a legal description of the vacated portion of platted street right-of-way and the platted setbacks on a Word document, via e-mail. These legal descriptions will be used on the Vacation Order. The legal descriptions must be provided to Planning prior to this case going to City Council for final action.

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

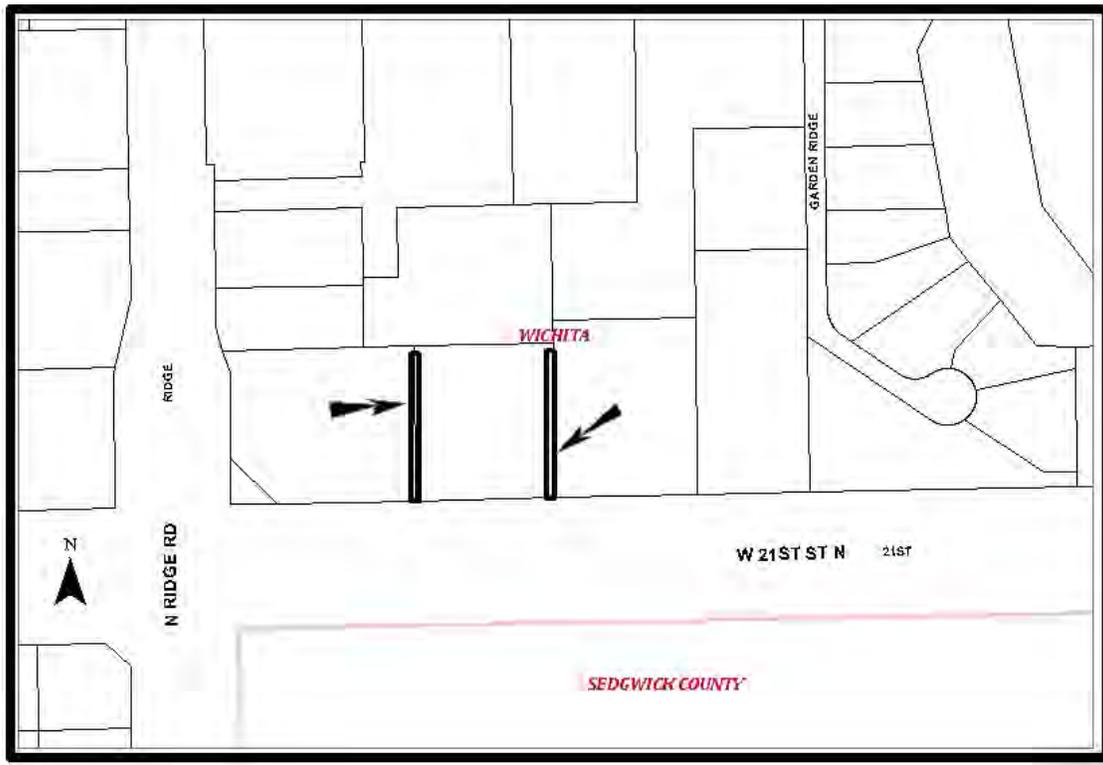
SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a covenant(s) binding and tying the vacated portions of Lincoln Street and Hydraulic Avenue to the abutting Lot 1, Dillon 5th Addition. This covenant(s), with the applicants’ original signatures shall be provided to the Planning Department prior to this case going to City Council for final action. This covenant(s) will go with the Vacation Order to the Register of Deeds for recording.
- (2) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) gas lines, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. Provide a copy of the approved Quit Claim Affidavit from the Kansas Gas Service Company. All to be provided to the Planning Department prior to this case going to City Council for final action. Contact LaDonna Vanderford, area Construction Representative (316/261-6490) for Westar equipment/street lights in Lincoln Street.
- (3) Provide any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action.
- (4) Vacate the platted 35-foot setbacks running parallel to north (along Lincoln Street) property line and east (along Hydraulic Avenue) property line of Lot 1, Dillon 5th Addition’s. The subject site’s Hydraulic Avenue street side yard setback shall be a minimum of 8 feet and the subject site’s Lincoln Street front yard setback shall be a minimum of 16 feet.
- (5) Provide Planning with a legal description of the vacated portion of platted street right-of-way and the platted setbacks on a Word document, via e-mail. These legal descriptions will be used on the Vacation Order. The legal descriptions must be provided to Planning prior to this case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

- CASE NUMBER:** VAC2014-00038 - City request to vacate a platted easements.
- APPLICANT/AGENT:** QuikTrip West Incorporated, c/o Truitt Priddy (owners/applicant), MKEC Engineering Inc., c/o Brian Lindebak (agent).
- LEGAL DESCRIPTION:** Generally described as vacating the platted 10-foot utility easement running parallel to the common lot line of Lots 3 & 4 and the west 10 feet of the platted 20-foot utility easement running parallel to the of common lot line of Lots 4 & 5, all in the Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the northeast corner of 21st Street North and Ridge Road (WCC #V).
- REASON FOR REQUEST:** Redevelop the site into the newest QuikTrip building and layout.
- CURRENT ZONING:** The site and the abutting north and east properties are zoned LI Limited Industrial. Adjacent west, across Ridge Road, properties are zoned LC Limited Commercial. Adjacent south, across 21st Street North, properties are zoned LC and SF-20 Single-Family Residential.
- VICINITY MAP:**



The applicant proposes to vacate the platted 10-foot utility easement running parallel to the common lot line of Lots 3 & 4 and the west 10 feet of the platted 20-foot utility easement running parallel to the common lot line of Lots 4 & 5, all in the Lake Ridge Commercial 2nd Addition. There are sewer lines located in both of the subject easements. Westar has utilities located within the area of the vacation. The Lake Ridge Commercial 2nd Addition was recorded with the Register of Deeds April 6, 1994.

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

- 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 30, 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 easements, 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) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) sewer, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS for abandonment /relocation of public sewer line. Contact Marsha Jesse, area Construction Representative (316/261-6734) to remove existing Westar Equipment, at the applicant's expense. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated utility easements on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (4) 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) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) sewer, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS for abandonment /relocation of public sewer line. Contact Marsha Jesse, area Construction Representative (316/261-6734) to remove existing Westar Equipment, at the applicant’s expense. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated utility easements on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (4) 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.

BACKGROUND: The applicant requests creation of the Socora West Commercial Community Unit Plan (CUP) DP-335 on 7.5 platted acres located at the northeast corner of West 21st Street North and North Forest View Street. In addition to the creation of CUP DP-335 the applicant seeks to rezone the 7.5 acres from SF-20 Single-family Residential (SF-20) to LC Limited Commercial (LC). The proposed CUP is to contain two parcels, a 5.02-acre parcel and a 2.51-acre parcel. Proposed uses are those uses permitted by right in the LC district except for those uses typically excluded within a CUP, such as a: sexually oriented business, nightclub, tavern or drinking establishment; see General Provision 15 for the uses permitted and the complete list of prohibited uses. The property is currently vacant except for a vacant church and associated parking. The property is located in Sedgwick County.

A summary of the additional development standards proposed by the applicant is as follows. Maximum building coverage is to be 30 percent; maximum floor area ratio is 35 percent (Parcel 1.B and C and Parcel 2.B and C). The CUP proposes to allow building height up to 45 feet (Parcel 1.G and Parcel 2.G). Absent the proposed CUP standard, the LC zoning district allows building heights up to 80 feet. Building setbacks vary from 35 feet to 15 feet to zero along the proposed floodway reserve (General Provision 4 and the CUP drawing). Signage is to be per city code or as described on the CUP. L.E.D./digital signs, offsite billboard and portable signs are prohibited (General Provision 6.A-G). Exterior lighting is to be shielded and directed downward. All parcels are to share parking lot lighting fixtures, poles, lamps and bases. Light poles associated with a commercial use are limited to 15 feet in height when the light pole is located within 200 feet of residential zoning; otherwise light poles may be 25 feet tall (General Provisions 7 and 8). The applicant is proposing to provide landscaping (General Provision 10). Screening walls are to be constructed along the west, north and east property lines (General Provision 11). Outdoor work areas and trash receptacles and rooftop equipment are to be reasonably screened from ground view (General Provision 12). All buildings within the CUP will share uniform architectural character (General Provision 13). The applicant is proposing two points of access from Forest View Street and two points of access from West 21st Street North.

Land located to the north, south and west of the application area is zoned SF-20, is either used for farm land or is platted and developed with single-family residences. Land to the east of the subject site is zoned NO Neighborhood Office (NO) subject to Protective Overlay 178, and is used for farm land. In the larger area surrounding subject site there is urban scale development, such as the medical offices located to the southeast of the application area; a YMCA to the west and farther west a Via Christi Hospital. West 21st Street North is a significant arterial that is scheduled to be widened to four lanes when traffic volume warrants the improvements.

CASE HISTORY: The application area is Lot 1, Block A, Countryside Pentecostal Holiness Church Addition and Lot 1, Block 1, Roberts & Morriss Addition, 1987 and 2005 respectively. The site's existing zoning was granted most likely in 1985 when the county adopted county-wide zoning.

ADJACENT ZONING AND LAND USE:

North: SF-20; farm land
South: SF-20 and GO; farm land and medical office
East: NO subject to PO-178; farm land
West: SF-20; single-family residences

PUBLIC SERVICES: North Forest View Street has 60 feet of full street right-of-way and is a two-lane sand and gravel local street. Along the frontage of the application area West 21st Street North has 80 feet of half-street right-of-way and is a two-lane road. At 135th Street, West 21st Street North carries on average approximately 11,600 daily vehicle trips. The existing church located on part of the application

area appears to be served by private water well and lagoon. City sewer and water services are located on the south side of West 21st Street.

CONFORMANCE TO PLANS/POLICIES: The application area is located within the Wichita 2030 Urban Growth Area. The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “urban development mix” use. The “urban development mix” category encompasses areas of land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the “urban residential use” category. However, there is a strong likelihood that the area will also contain major institutional uses, local commercial uses and park and open space uses. Selected Comprehensive Plan commercial locational guidelines state: 1) Commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. 2) Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. 3) Locate commercial uses in compact clusters or nodes versus extended strip development. 4) Commercially generated traffic should not feed directly onto local residential street.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, staff recommends the proposed zone change and CUP DP-335 be approved per the development standards contained on the face of the proposed CUP and the following conditions:

- A. Approval of the zone change and CUP DP-335 shall not be final until the applicant has recorded a document with the Register of Deeds indicating that this tract (referenced as DP-335) includes special conditions of development on this property.
- B. If required, the applicant shall submit four revised final copies of the CUP to the Metropolitan Area Planning Department within 60 days after final 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: The application area is part of a transition area that is slowly converting from rural and suburban uses to more intense urban uses. Land located to the north, south and west is zoned SF-20 and is farm land or platted land developed with single-family residences. Land to the east is zoned NO Neighborhood Office (NO) subject to Protective Overlay 178 and is farm land. In the larger area there has been urban scale development such as the medical offices located to the southeast of the application area; a YMCA to the west and farther west a Via Christi Hospital. West 21st Street North is a significant east-west arterial street scheduled to become a four-lane arterial that carries approximately 11,600 average daily vehicle trips.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned SF-20 Single-family Residential which primarily permits large-lot residential uses and a few civic and institutional uses by right, such as a church. The site is developed with a church and could continue as currently developed. The site has some economic opportunity as currently zoned; however, given its proximity to the intersection of West 21st Street North and 135th Street, the requested zone change will increase the site’s economic potential and be consistent with typical development patterns along most developing arterials.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of LC zoning will increase the intensity of permitted uses and increase traffic volumes; however, the development standards contained in the accompanying CUP should mitigate known detrimental

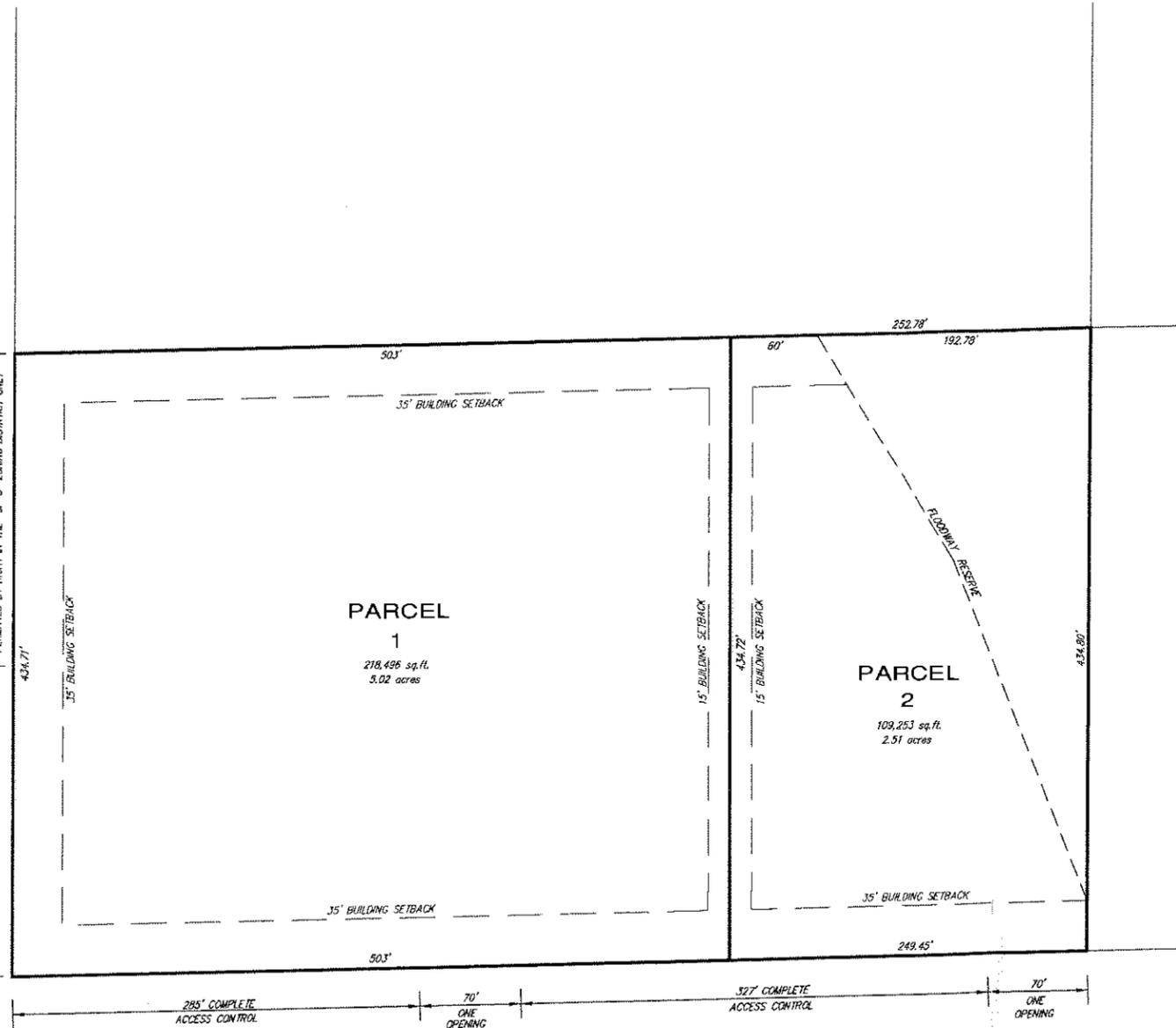
impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would presumably represent a loss of economic opportunity for the applicant and/or future purchasers. Approval would increase the amount of LC permitted uses available to area residents.
5. Length of time the property has been vacant as currently zoned: The property has been developed with a church since approximately 2005.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located within the Wichita 2030 Urban Growth Area. The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “urban development mix” use. The “urban development mix” category encompasses areas of land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the “urban residential use” category. However, there is a strong likelihood that the area will also contain major institutional uses, local commercial uses and park and open space uses. Selected Comprehensive Plan commercial locational guidelines state: 1) Commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. 2) Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. 3) Locate commercial uses in compact clusters or nodes versus extended strip development. 4) Commercially generated traffic should not feed directly onto local residential street. The application as recommended for approval is in substantial conformance to adopted policies.
7. Impact of the proposed development on community facilities: Existing or planned improvements are available to serve the site.

SOCORA WEST COMMERCIAL COMMUNITY UNIT PLAN DP-335

FOREST VIEW

COMPLETE ACCESS CONTROL
ACCESS CONTROL EXCEPT ONE OPENING FOR USES PERMITTED BY RIGHT IN THE "35'-5" ZONING DISTRICT ONLY"



PARCEL 1
218,496 sq. ft.
5.02 acres

PARCEL 2
109,253 sq. ft.
2.51 acres

285' COMPLETE ACCESS CONTROL 70' ONE OPENING 327' COMPLETE ACCESS CONTROL 70' ONE OPENING

21ST STREET NORTH

21ST STREET CT.

GENERAL PROVISIONS:

1. Total Land Area: 327,749 ± sq. ft. or 7.53 ± acres
Net Land Area: 293,227 ± sq. ft. or 6.73 ± acres
2. Total Gross Floor Area: 114,713 sq. ft.
Total Floor Area Ratio: 35 percent
Total Building Coverage: 98,325 sq. ft.
Total Building Coverage Ratio: 30 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel description.
5. A Drainage Plan shall be submitted to the appropriate Engineer for approval during the re-platting process. Required guarantees for drainage improvements shall be provided at the time of re-platting. In the event the site is not re-platted, all drainage requirements shall be established at the time of site development. If necessary, the C.U.P. development plan shall be adjusted or amended to reflect final drainage requirements.
6. Signs shall be in accordance with the Sign Code of the City of Wichita, subject to the following conditions:
 - A. Signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold.
 - B. L.E.D./Digital signs, flashing signs, rotating or moving signs, signs with moving lights, signs which create illusions of movement, or electronic message centers are not permitted.
 - C. Portables, billboards, and off-site signs are not permitted.
 - D. Window display signs are limited to 25% of the window area.
 - E. No signs shall be allowed on the rear of any buildings.
 - F. All freestanding signs must be monument type, shall have a maximum height of 20 feet, and shall share similar elements in design, such as similar materials for the base.
7. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
8. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
 - A. Limited height of light poles, including fixtures, lamps and base, to 25 feet.
 - B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
 - C. If the site is developed for commercial uses, it shall include a 15-foot height limit (including fixtures, lamps and base) when light poles are located within 200 feet of residential zoning.
9. Utilities shall be installed underground on all parcels.
10. Landscaping for this site shall be required as follows:
 - A. Development of all parcels within the C.U.P. shall comply with the Landscape Ordinance of the City of Wichita.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
11. Screening shall be provided in accordance with the Unified Zoning Code, including a 6-8 foot tall concrete/masonry wall to be constructed along the west, north & east property lines of the C.U.P. where adjacent to residential zoning. This solid wall shall be constructed of a pattern and color that is consistent with the building walls.
12. Trash receptacles, loading docks, outdoor storage, rooftop equipment, and loading areas shall be appropriately screened, with similar materials to the main buildings, to reasonably hide them from ground view.
13. All buildings in the C.U.P. shall share uniform architectural character, color, texture, and the same predominate exterior building material, and shall be reviewed and approved by the Planning Director prior to the issuance of any building permits. Building walls and roofs must have predominately earth-tone colors, with wild colors limited to incidental accent, and must employ materials similar to surrounding residential areas. Metal as an exterior material shall be limited to incidental accent.
14. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
15. All "LC" uses are permitted, except the following: sexually oriented businesses, correctional placement residences, night clubs, taverns and drinking establishments, outside storage, recreational vehicle campgrounds, asphalt and concrete plant (limited), cemeteries, offices that accept paycheck or car titles as security for loans, and pawnshops. Restaurants with drive-thru windows, convenience stores, service stations and vehicle repair (limited and general) may be allowed if located more than 200 feet from residential uses. Any overhead doors associated with vehicle repair (limited and general), warehouses, and/or loading docks must not face residential zoning. Car washes in the C.U.P. shall be subject to the supplementary use regulations of Sec. III-2.6.f of the Unified Zoning Code.
16. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
17. The Transfer of title of all or any portion of land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
18. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development. A notice of a C.U.P. noting the conditions placed on this land shall be filed with the Sedgewick County Register of Deeds.
19. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
20. Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit. An overall site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the development.

PARCEL 1

- A. Total Land Area: 218,496 ± sq. ft. or 5.02 ± acres
- B. Maximum Building Coverage: 65,549 sq. ft. (30%) for commercial development
- C. Maximum Gross Floor Area: 76,474 sq. ft. for commercial development
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Commercial Buildings: One (1)
- G. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- H. Setbacks: See Drawing
- I. Access Points from Forest View: One (1)
- J. Permitted Uses: All permitted uses by right in the "LC" Limited Commercial zoning district of the Wichita-Sedgewick County Unified Zoning Code, except for those listed under G.P. #15.

PARCEL 2

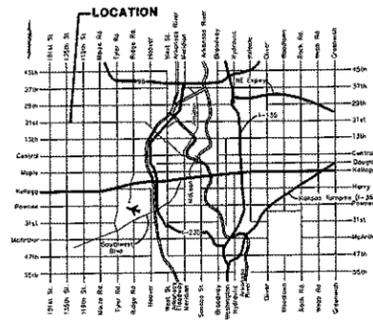
- A. Total Land Area: 109,253 ± sq. ft. or 2.51 ± acres
- B. Maximum Building Coverage: 32,776 sq. ft. (30%) for commercial development
- C. Maximum Gross Floor Area: 38,239 sq. ft. for commercial development
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Commercial Buildings: Two (2)
- G. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- H. Setbacks: See Drawing
- I. Access Points from Forest View: One (1)
- J. Permitted Uses: All permitted uses by right in the "LC" Limited Commercial zoning district of the Wichita-Sedgewick County Unified Zoning Code, except for those listed under G.P. #15.

LEGAL DESCRIPTION:

Lot 1, Block A, Countryside Pentecostal Holiness Church Addition, Sedgewick County, Kansas; TOGETHER WITH Lot 1, Block 1, Roberts & Morris Addition, Sedgewick County, Kansas.

REVISIONS

Submitted: July 14, 2014
Approved by MAPC:
Approved by City Council:



DP-335

SOCORA WEST COMMERCIAL COMMUNITY UNIT PLAN

Baughman Company, P.A.
115 E. 10th St., Wichita, KS 67202 P: 316-262-0271 F: 316-262-0499



SCALE: 1" = 50'

Crockett, Maryann

From: cjanzen2@cox.net
Sent: Monday, August 04, 2014 4:05 PM
To: Crockett, Maryann
Subject: Case ZON2014-00019 and CUP21014-00024

Mr. Crockett do we know what the plan is for this area - I am concerned changing this zoning to LC as it could mean many things such as quick trips ect that can decrease the value of our property as this is along our residential street. This has been a small quiet family area and we do not want a bunch of commercial things going in there - we turned away from homes that had increased business there so do not want this to happen. Any information you can provide would be appreciated. Would rather stop it now before it gets changed

Miller, Dale

From: cjanzen2@cox.net
Sent: Tuesday, August 05, 2014 9:45 AM
To: karl.peterjohn@sedgwick.gov; Miller, Dale
Cc: Jim.Janzen@altec.com
Subject: ZON2014-00019 and CUP2014-00024

Mr. Crockett provided me your email to voice my concerns regarding a requested zoning change on the street of Forestview and 21st. Forestview is a residential street and a nice quiet family area - We are concerned about zone changes to our street. The influx of traffic will be more, drainage will most likely be affected as well but the most concerning is this is just one step in changing the status of our quiet neighborhood.

In addition this will affect our property values. We spent allot of years trying to make our place nice just to have it de valued by increased traffic and commercial buildings. There is a church there now and this would be a good thing to leave here. When we were looking at homes we turned away from those that had any commercial properties as we wanted more residential and quiet. 21st traffic has already doubled with the YMCA and Dr. office's across the street, now we want to add more traffic?? We do not want commercial on our street. Thank you Jim and Connie Janzen

BACKGROUND: The applicants are seeking Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3) and subject to development standards established by a Board of Zoning Appeals (BZA) “variance” discussed in the “case history” section below. The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site’s current development standards, described in the “case history” section below.

The application area contains 5.03 (219,106.8 square feet) acres that are located on the east side of Southeast Drive, approximately 600 feet south of East Pawnee Avenue. At this location Southeast Drive serves as a frontage road for Southeast Boulevard/Kansas Highway K-15. The application area has direct frontage on Southeast Drive, South Minneapolis Street and East Glenn Oaks Street, and has three addresses. 2530 and 2536 Southeast Drive are zoned Limited Commercial (LC) and occupy all of the application area except the small lot located in the extreme southeast corner. The property addressed as 2539 South Minneapolis Avenue (the small lot located in the extreme southeast corner of the application area) is zoned TF-3. The LC zoned property is developed with a large commercial building that was formerly a bakery (approximately 52,733 square feet) and other associated bakery uses such as a retail outlet (3,306 square feet), parking and tractor-trailer storage. The TF-3 zoned property is developed with a single-family residence built in 1959. A screening wooden fence is located along the LC zoned portion of the application area, but not along the TF-3 zoned property. The application area occupies all of the southern part of the block located south of East Pawnee Avenue, east of Southeast Drive, west of South Minneapolis Street and north of East Glenn Oaks Drive, except for a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street. The site has been vacant for approximately six months to a year.

Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center that used to contain a grocery store as an anchor tenant. Land to the east is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and is developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences.

The LI district permits a wide range of non-residential uses; residential uses are not permitted in the LI district. Some of the uses permitted by right in the LI district that are not permitted in the LC district are: “wholesale or business service,” “welding or machine shop,” “warehouse,” “vehicle storage yard,” “research services” or “manufacturing, general.”

In contrast to the LI district, the current zoning code requires “conditional use” approval in the LC district to permit “manufacturing, limited” and such uses are subject to the following development standards contained in Unified Zoning Code (UZC) Article III, Section III-D.6.m: 1) the gross floor area of the building housing the limited manufacturing use shall not exceed one square foot of floor area to three square feet of lot area; 2) the minimum setback of any building from any property line shall be 30 feet; 3) no outdoor storage is permitted; 4) all parking and loading spaces shall be paved with concrete or asphalt and must not cover more than one-half of required open space and 5) the maximum number of employees on any one shift shall not exceed 15 per acre of lot area. Currently, “bakeries engaged in large scale production and wholesale distribution” are defined as “manufacturing, limited” and require LI zoning and are not permitted in the LC district (UZC, Article II, Section II-B.8.e). If the site does not remain vacant for more than two years, the bakery use or a use of equal or lesser intensity could occupy the site as a nonconforming use.

CASE HISTORY: The portion of the application area that contains the large manufacturing building, thought to have been built in 1955 or 1956, and addressed as 2530 Southeast Drive, is Lot 10 of the Mosteller Addition. On August 16, 1955, the Metropolitan Area Planning Commission (MAPC) approved 2530 Southeast Drive as the location for a bakery. However, the superintendent of building inspection refused to issue a building permit for the bakery on the basis the bakery would employ more than five employees (Ordinance No. 21-245). Lot 10 had been previously zoned LC, and at that time bakeries employing more than five employees were not permitted in the LC district. On August 26, 1955, the Board of Zoning Appeals (BZA) approved case number BZA 10-55 that granted a variance for the bakery to have up to 15 employees, subject to certain other conditions. Zone change case Z-0986 (May 13, 1968) rezoned Lot 10, Fred P. Mostellar Addition and Lots 1 and 2, Block 1, Murphy Addition (the land located immediately north of 2539 South Minneapolis Street) to the LC district. Case number BZA13-68 (June 25, 1968) required: a maximum building coverage of one-third the site's total land area; a minimum building setbacks from the south and east property line at 100 feet; a minimum building setback along the west property line at 30 feet; no outside storage; parking and loading areas are to be paved and cannot cover more than one-half of required open space; the maximum number of employees at 15 per net acre of land in any one shift; no noxious odors or undue noise shall be detected at the property line; access to Minneapolis to be limited to the two existing alleys located at the north and south property lines; submission of site plan; screening fencing located along the east and south property line to be maintained; the area to be policed for trash; no signs to be located along the east or south property lines; lights to be shielded to direct light away from residential areas and no sound projecting devices are to be used outside of any structure. In 1985, the property located at the northeast corner of East Glenn Oaks Street (2536 Southeast Drive) was rezoned to LC by case number Z-2725. An alley that separated most of the northern portion of the subject site from property located further south was vacated (VAC1340).

Most of the northern portion of the application area is platted as part of the Fred P. Mosteller Addition that was recorded in 1955. The Rainbow Baking Company Addition was recorded in 1986 and is located at the northeast corner of East Glenn Oaks Street and Southeast Drive. A portion of the Murphy Addition, the southeastern portion of the application area abutting Minneapolis Street, was recorded in 1955.

ADJACENT ZONING AND LAND USE:

North: LC; retail strip center
South: TF-3; single-family residences
East: MF-29, SF-5; single-family residences
West: SF-5; single-family residences

PUBLIC SERVICES: The site has direct access to Southeast Drive, which is a frontage road for Southeast Boulevard. Southeast Boulevard/K-15, at the application area, carries approximately 8,000 average daily vehicle trips. East Glenn Oaks Drive and South Minneapolis Street are local streets; traffic counts are not available those two streets. Municipal services are available to the site or the services can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "local commercial" uses. The "local commercial" category encompasses areas that contain concentrations of predominately commercial, office, personal service uses that do not have a significant regional market draw. The "local commercial" category includes uses such as mini-storage warehousing and small scale, light manufacturing. The "employment/industry center" category is probably a more appropriate designation for the site. The "employment/industry center" encompasses centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and

shipping centers.

RECOMMENDATION: The issue with this application is the need to balance the need to protect the residential uses located east and south of the application area with the objective of facilitating the re-occupation of an existing vacant manufacturing building and the lot's hybrid zoning with more liberal zoning that will not substantially change the site's impact on adjoining properties. Based upon the information available at the time the staff report was prepared it is recommended that the request for LI zoning be approved subject to the provisions of Protective Overlay #292

1. Maximum building coverage is limited to one-third the site's total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site's total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: "outdoor storage as a principal use"; "gas and/or fuel storage and sales"; manufacture, storage or sale of fireworks; "construction burn site, limited"; "asphalt or concrete plant, limited"; "teen club in the city"; "tavern and drinking establishment"; "sexually oriented business in the city"; "recreation and entertainment, outdoor" and "nightclub in the city"; "correctional placement residence, limited and general" and "correctional facility."

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center. Land to the east, across Minneapolis Street, is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences. The application area acts somewhat as a transition property between Southeast

Boulevard/K-15 and the residential areas located east of Minneapolis Street. The presence of Southeast Boulevard/K-15 Highway adds to the location's non-neighborhood feel.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC subject to the development standards contained in the variance discussed in the "case history" section located above. As zoned a wide range of residential, office, retail and commercial uses are permitted. However, the site is developed with an approximately 53,000 square-foot building formerly used as a bakery that is probably a difficult building to find a new user as currently zoned. It is likely that it will be easier to find a manufacturing use rather than a retail or general commercial use for the existing building. Businesses needing large buildings generally prefer to have buildings that meet the corporation's architectural standards rather than retrofit an existing manufacturing building. The mostly vacant retail sales building located north of the site is likely proof that the market does not favor retail sales at this location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will permit more intense uses than the site's current zoning permits, such as wider range of manufacturing type uses and with more than 15 employees per net acre of land. The proposed conditions of approval should address known impacts from a wider range of uses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide additional LI zoned property to the community's market place. Denial would presumably make it more difficult for the owners to sell the property and put the property back in use.
5. Length of time the property has remained vacant as currently zoned: Staff has been advised that the site has been vacant for six to 12 months.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "local commercial" uses. The "local commercial" category encompasses areas that contain concentrations of predominately commercial, office, personal service uses that do not have a significant regional market draw. The "local commercial" category includes uses such as mini-storage warehousing and small scale, light manufacturing. The "employment/industry center" category is probably a more appropriate designation for the site given the site's proximity to Southeast Boulevard/K-15 Highway and building that exist on the site. The "employment/industry center" encompasses centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and shipping centers.
7. Impact of the proposed development on community facilities: Existing facilities are in place to address anticipated demand on community facilities.

STAFF REPORT
MAPC 11-20-2014
DAB I 12-1-2014

CASE NUMBER: ZON2014-00027

APPLICANT/AGENT: City of Wichita (John Philbrick) and Nuot Nguyen / Baughman Company, P.A. (Russ Ewy)

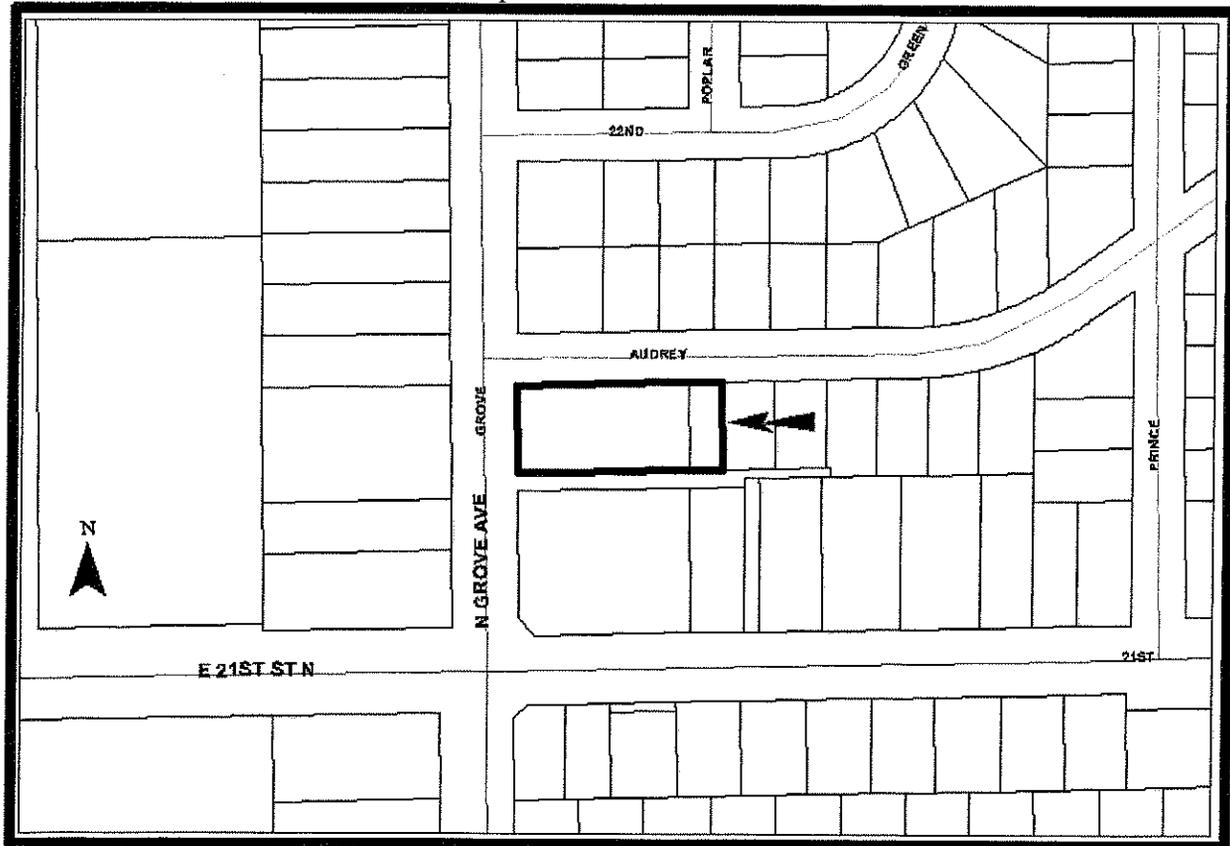
REQUEST: Limited Commercial

CURRENT ZONING: B Multi-family Residential

SITE SIZE: .56 acre

LOCATION: Southeast corner of North Grove Avenue and East Audrey Street

PROPOSED USE: Redevelop the site with commercial uses



BACKGROUND: The application area is .56 platted acre located at the southeast corner of North Grove Avenue and East Audrey Street (north of East 21st Street and east of North Grove Avenue) that is zoned B Multi-Family Residential (B). The applicants are seeking to rezone the property to the Limited Commercial (LC) district.

The subject property is platted into four lots of nearly equal area, and is currently developed with outdoor basketball courts that were likely associated with the property located to the south that was once used as a Boys and Girls Club. Access to the site is via a driveway from Audrey Street. Another driveway is located off of North Grove Avenue mid-block between Audrey Street and 21st Street. An alley was located in the same location as the driveway off of North Grove Avenue; however, it has been vacated. With the vacation of the alley, it would be easier to combine the subject property with the LC zoned land located to the south. It is staff's understanding that a single entity is expected to own both the subject tract and the site containing the old Boys and Girls Club. The site has mature landscape screening along the north, east and west property lines.

Property located to the north, across East Audrey Street, are zoned B, Two-Family Residential (TF-3) or SF-5 Single-Family Residential (SF-5), and are developed with duplex or single-family residences. Lots to the east are zoned SF-5, and are developed with single-family residences. Land to the south is zoned LC, and is developed with an office or retail sales commercial building that fronts East 21st Street. The properties located to the west, across Grove Avenue, are zoned LC and MF-29 Multi-Family Residential (MF-29), and are developed with retail sales, office/warehouse combination or triplex residential uses.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. The LC district permits a wide range of uses, such as: residential – single-family thru multifamily; public and civic – community assembly, hospital or government service; commercial – hotel, office, general retail or restaurant; agriculture – agricultural research. Base building setbacks in the LC district are: front – 20 feet; interior side – zero or five feet; street side – 10 feet; and rear -10 feet. However, minimum side and rear compatibility setbacks of 15 feet would be required if the property is rezoned to LC. Building height in the LC district are permitted to be up to 80 feet.

In contrast to the LC district, the purpose of the B zoning district is to accommodate very high density multi-family residential development and complementary land uses. The B district permits: the full range of residential uses –single-family residential thru multi-family and assisted living; public and civic uses – community assembly, hospital or college and commercial uses – medical service. Building setbacks in the B district are: front – 20 feet; interior side – five feet; street side – five feet; and rear – 15 feet. Maximum building height in the B district is 55 feet.

Redevelopment of the site under LC zoning will trigger a number of code required development standards, such as: a six-foot wooden screening fence, solid landscaping, a berm, or some combination of the three to be located along the east property line; a minimum 15-foot compatibility building setback would be required along the east property line and that portion of the application area located across the Audrey Street from TF-3 zoning, but not for that portion of the site across Audrey Street from B zoning; screening of outdoor work or storage areas from ground level view; a 20-foot setback from the east property line for dumpsters; a building height limit of 35 feet if a building is located within 50 feet of property zoned TF-3 or SF-5, and the height of outdoor lighting sources is limited to 15 feet if located within 200 feet of a residential zoning district. Redevelopment of the site will trigger landscape code requirements for parking lot, buffer and street yard landscaping.

The sign code would allow an on-site ground or pole sign with an area of 51 square feet along North Grove Avenue and a 50 square-foot sign along Audrey Street. The sign code would not allow building

signage facing Audrey Street; however, building signage would be permitted along Grove Avenue.

CASE HISTORY: The property is platted as Lots 1-4, Schreck's Addition, which was recorded in 1951.

ADJACENT ZONING AND LAND USE:

North: B and TF-3; two-family residential and single-family residential

South: LC; office or retail sales building

East: SF-5; single-family residential

West: LC; warehouse, retail sales, multi-family residential

PUBLIC SERVICES: North Grove Avenue is a paved two-lane collector that has approximately 80 feet of full right-of-way. East Audrey Street is a local two-lane street with approximately 60 feet of full right-of-way. All municipal services are available to serve 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 includes areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. A full range of residential uses – single-family through multi-family, patio homes and townhouses – are anticipated. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-servicing uses may also be found in this category. The preferred 20 year land use map of the 2004 "21st Street Revitalization Plan" depicts the site as appropriate for "neighborhood retail" uses. The "neighborhood retail" category "envisions smaller, niche shops that serve the adjacent communities."

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, staff recommends the request be approved subject to development conditions listed below and contained in Protective Overlay #293:

1. The site permits LC uses permitted by right except for the following: "nightclub in the city"; "tavern and drinking establishment"; "entertainment establishment in the city"; "construction and sales and service"; "sexually oriented business" or an office or business that provides loans in exchange for vehicle titles.
2. Building setbacks of a minimum of 20 feet shall be provided along the eastern and northern property line.
3. Complete access control shall be dedicated to East Audrey Street unless the property is developed with single-family, two-family or three-family residences. The existing driveway to Audrey Street shall be closed prior to the issuance of any building permits for any use other than single-family, two-family or three family residences.
4. There shall not be any signage (ground or building) located on East Audrey Street nor along the east property line unless it is associated with a home occupation and complies with home occupation signage standards.
5. Maximum building height shall not exceed 35.
6. Lighting associated with the site shall be shielded and directed so as to prevent spillover of lighting onto abutting or adjacent residential uses.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property located to the north, across East Audrey Street, are zoned B, TF-3 or SF-5, and are developed with duplex or single-family

residences. Lots to the east are zoned SF-5, and are developed with single-family residences. Land to the south is zoned LC, and is developed with an office or retail sales commercial building that fronts East 21st Street. The properties located to the west, across Grove Avenue, are zoned LC and MF-29, and are developed with retail sales, office/warehouse combination or triplex residential uses. Surrounding property is a mix of residential and non-residential uses; however, the properties located on East Audrey Street, east of North Grove Avenue, are residential.

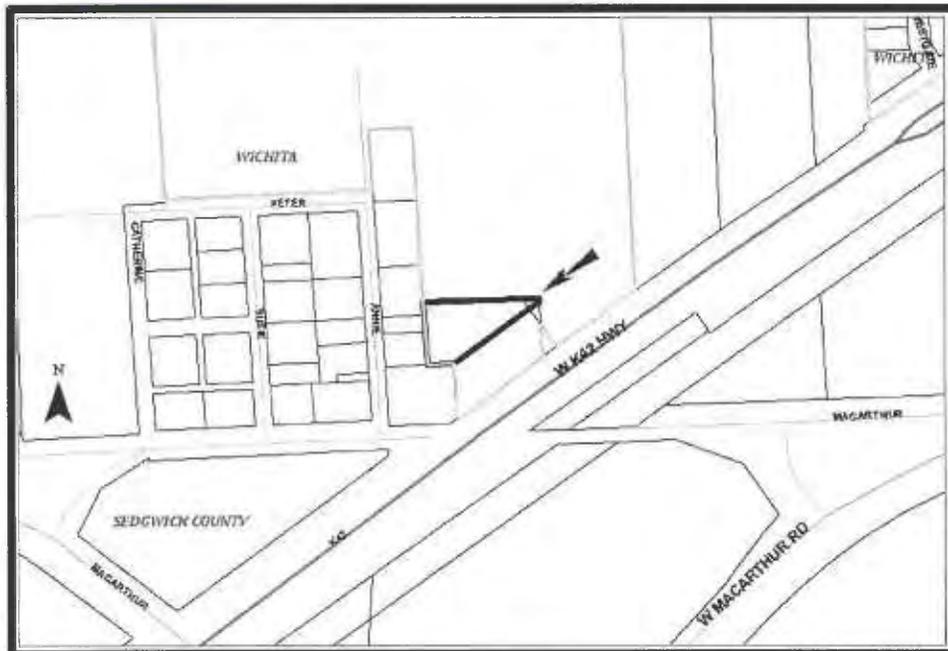
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned B which permits a broad range of residential uses – single-family through high-density multifamily – as well as a few non-residential uses such a church, hospital or day care. The site has remained essentially undeveloped or underdeveloped, except for its current accessory use as a basketball court for the vacant Boys and Girls Club building located to the south. If the property is attached to the property to the south, which is zoned LC, it makes sense for the entire site to be similarly zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed development standards should mitigate anticipated impacts of rezoning the property to the LC district.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Rezoning the site should make the site more attractive to re-development, which could create new job opportunities or services to area residents. Denial would presumably represent a loss of economic opportunity for the perspective purchaser.
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 includes areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. A full range of residential uses – single-family through multi-family, patio homes and townhouses – are anticipated. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-servicing uses may also be found in this category. The preferred 20 year land use map of the 2004 “21st Street Revitalization Plan” depicts the site as appropriate for “neighborhood retail” uses. The “neighborhood retail” category “envision[s] smaller, niche shops that serve the adjacent communities.”
6. Impact of the proposed development on community facilities: Services are in place or can be extended to serve the site.



STAFF REPORT

MAPC November 20, 2014
DAB IV December 1, 2014

- CASE NUMBER:** ZON2014-00028
- OWNER/APPLICANT:** Schulte County Storage, LLC, c/o James Peterson (owner) Spire Wireless, c/o Kathryn Roderique Collective Services (applicant-agent)
- REQUEST:** Amend Protective Overlay #78 to allow a wireless communication facility
- CURRENT ZONING:** GC General Commercial
- SITE SIZE:** 35-foot x 50-foot leased site located within approximately 0.94-acres
- LOCATION:** Generally located north of MacArthur Road and northwest of Kansas Highway K-42
- PROPOSED USE:** A 100-foot wireless, galvanized steel, monopole cell tower and equipment



BACKGROUND: The applicant, Spire Wireless, is seeking to amend Protective Overlay PO #78 to permit the construction of a wireless communication facility with a 100-foot tall, galvanized steel, monopole tower within a 35-foot (x) 50-foot lease site on GC General Commercial zoned property; Lot 1, Block A, Schulte Country Storage Addition. Spire Wireless is a new provider to the area and it proposes to provide 4G service to the area. PO #78 confines the uses on the subject site to what is permitted in the LC Limited Commercial zoning district, some prohibited uses and a self-storage warehouse with supplemental use regulations. PO #78 also has a building height restriction of 20 feet, which the proposed 100-foot tall tower exceeds. A wireless communication facility with a tower is not listed as a prohibited use, however a wireless communication facility in all zoning districts is subject to the standards of the “Wireless Communication Master Plan,” thus the following considerations.

The GC zoned lease site is located north of MacArthur Road and northwest of Kansas State Highway K-42. Because of the site’s close proximity (approximately 1-1/2 miles southwest of the end of a runway) to the Wichita Mid-Continent Airport, it is located within Airport Hazard Zone B, which has a maximum structural height of 75 feet or less. Although the Wireless Communication Master Plan permits maximum structural height of 120 feet in the GC zoning district, the Airport Hazard Zone maximum height is the standard that must be addressed. The Wichita Mid-Continent Airport Authority has provided a copy of the FAA review of this airspace application and determined that there is no hazard to air navigation associated with this proposed structure up to a maximum height of 115 feet above ground level at the coordinates provided. The Airport Authority would not oppose this structure as long as it meets the criteria identified in the attached airspace study. The subject site is located within the Wichita city limits, but is not shown as a property eligible for consideration of an Administrative Permit, thus an amendment to PO #78 is required to allow the proposed wireless communication facility. The amendment will also include the 20-foot building height restriction.

Tower lighting must meet the FAA requirements for aircraft warning. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the “Design Guidelines” of the Wireless Communication Master Plan. The site plan shows proposed 100-foot tower being designed for co-location for at least three (3) providers, which also meets the intent of the Design Guidelines of the Wireless Communication Master Plan. The proposed tower is shown with triangular antenna arrays.

The applicant’s RF Engineer has stated that the proposed facility is needed to provide coverage to an area that has low to no coverage. The applicant has provided current coverage and projected coverage maps showing the impact of the site in providing service to the area. The RF Engineer has provided a site selection map, which shows the nearest tower located 0.71-miles northeast of the subject site. This sites was rejected because it was located on the edge of the site’s search ring and it was too short (49.9 feet) to provide the desired service area. The one-mile site search ring showed no other co-location opportunities. Planning staff has drove this area to confirm the lack of communication towers within this one-mile area around the subject site.

The site abuts SF-20 Single-Family Residential zoned residences (located in the County, District #2) on its west side and the SF-5 Single-Family Residential zoned St. Peter’s Catholic Church and school development on its north and east sides. There are more SF-20 and SF-5 zoned single-family residences located adjacent to the site’s west, north and east sides. A LC Limited Commercial zoned convenience

store, commercial strip building, a day care and single-family residence abut and are adjacent to the site's south and southwest side of the site, with all of them located along K-42. SF-20 farmland and LI Limited Industrial zoned warehouses, a building supply store and a cluster of warehouse-offices, trucking and manufacturing developments are located south (across K-42) and east (abutting the already mentioned SF-20 and SF-5 zoned single-family residences) of the site. Some of these LI and SF-20 zoned sites would seem to be less problematic than the proposed site because of their distance from the area's single-family residences. However, most of the LI zoned properties are located within Airport Hazard Zone A, which has a maximum structural height of 25 feet or less, thus presenting an obstacle in height that the proposed site does not have. The closest LI zoned site, the warehouse located directly south across K-42, is located within Airport Hazard Zone B, the same as the subject site. The SF-20 zoned farmlands located south of the site, across K-42, are located within Airport Hazard Zone C, which has a maximum structural height of 150 feet or less. Prior to the application being made Planning had pointed out the advantages of the LI zoned warehouses and the SF-20 farmlands to Spire Wireless (the applicant). Staff has been provided no information in regards any contact or a willingness of the LI zoned warehouses and SF-20 zoned farmland to partner in the proposed wireless facility, thus the current application.

The applicant's site plan shows the wireless facility located within the interior of the self-storage warehouse site. The self-storage warehouse walls and the site's masonry wall provide ground level screening along the west, north and the east sides where it abuts SF-20 and SF-5 zoned properties. The south portion of the subject site provide no screening as it abuts the LC zoned convenience store. The site plan shows that the wireless facility conforms to the UZC's compatibility height standards. The site plan shows landscaping. The site plan shows access to K-42 via a proposed 15-foot access and utility easement through the abutting convenience store; prior to the issuance of a building permit a copy of the recorded proposed 15-foot access and utility easement must be provided to the Metropolitan Area Building and Construction Department and Planning.

CASE HISTORY: ZON2000-00039 and PO #78 was approved by the Sedgwick County Board of County Commissioners October 18, 2000. Lots 1 & 2, Block A, Schulte Country Storage Addition was recorded with the Register of Deeds October 9, 2001.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	St. Peter's Catholic Church and school development
SOUTH: LC, LI, SF-20	Convenience store, commercial strip building, warehouses, farm land
EAST: SF-5, SF-20	St. Peter's Catholic Church and school development, single-family residences
WEST: SF-20, LC	Single-family residences, day care

PUBLIC SERVICES: No municipally supplied public services are required. The applicant will extend electrical service to the site. The site has a proposed access-utility easement to K-42, a paved two-lane Kansas state highway. The proposed wireless communication facility and its 100-foot tall tower will generate less traffic onto K-42 than any of the abutting and adjacent properties.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" depicts this location as being appropriate for "local commercial," which contains concentrations of

predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair or service stations, grocery stores, florist shops, restaurants and personal service facilities. The UZC considers a wireless communication facility a commercial type of use. The site's GC zoning is appropriate for the local commercial category.

The GC zoned site located within Airport Hazard Zone B, which has a maximum structural height of 75 feet or less. The proposed tower is 100 feet tall. Although the Wireless Communication Master Plan permits maximum structural height of 120 feet in the GC zoning district, the Airport Hazard Zone maximum height is the standard that must be addressed. The GC zoned site is subject to PO #78, which confines the uses on the subject site to what is permitted in the LC Limited Commercial zoning district, some prohibited uses and a self-storage warehouse with supplemental use regulations. PO #78 also has a 20-foot building height restriction. A wireless communication facility with a tower is not listed as a prohibited use, however a wireless communication facility in all zoning districts is subject to the standards of the Wireless Communication Master Plan. The subject site is located within the Wichita city limits, but is not shown as a property eligible for consideration of an Administrative Permit, thus an amendment to PO #78 is required to allow the proposed wireless communication facility. The amendment will also include the 20-foot building height restriction.

The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. It states that all towers comply with the compatibility setback standards. The applicant's site plan shows the tower meeting the compatibility setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible. The proposed 100-foot monopole tower is the first tower in the area. The proposed tower's close proximity to the area's residential development is supposed to provide 4G service to the area's residential and nonresidential customers in this part of the city and county. The residence of the area will need to consider the advantages of the proposed service with intrusion of the 100-foot tower into their line of sight; 2) Minimize the height, mass, or proportion. Making the tower shorter may lead to more towers that would be needed to provide the desired coverage; 3) Minimize the silhouette. Monopoles and certain lattice type structures (think City microwave towers) are recommended for up to 150-feet, with antennas mounted flush to the support structure over triangular antenna arrays. However, triangular antenna arrays tend to provide better coverage; 4) Use colors, textures, and materials that blend in with the existing environment. The monopole will have a galvanized surface, which will blend into the sky more readily than red or white paint; 5) Be concealed or disguised as a flagpole, clock tower, or church steeple. These design disguises were not mentioned in the application, although St Peter's church could have provided such an opportunity; 6) Be placed in areas where trees and/or buildings obscure some or all of the facility. The site's self-storage warehouse buildings and its masonry wall provide screening from the ground level up to maybe 9-10 feet to obscure the presences of a 100-foot tall monopole. Planting large evergreens and/or solid screening could provide cover from the ground up to 20-40 feet; 7) Be placed on walls or roofs of buildings. The one-mile site search ring showed no co-location opportunities; 8) Be screened through landscaping, walls, and/or fencing. Planting junipers/evergreens (a minimum of 5 feet tall at the planting, spaced 15 feet apart, center to center of each juniper/evergreen. This spacing will provide solid screening when the junipers/evergreens mature and with proper care provide a more attractive and efficient screening than the 9-10 foot tall buildings; and 9) Painting towers

red and white instead of using strobe lighting. The applicant has stated that there will be no strobes and that it will be a galvanized steel finish. NOTE: Since the time the Wireless Communication Master Plan was first adopted, the FAA changed their regulations to require daytime strobe lighting; whereas, when the plan was adopted, the FAA allowed painted towers red and white instead of using strobe lighting.

RECOMMENDATION: The challenge of planning for personal wireless service facilities is the same as that for many other land uses: balancing marketplace demands with public expectations for an orderly and attractive environment. The Wireless master Plan anticipates entry into residential areas is the final part of the business plan of most personal wireless service providers to replace wired phones in customers' homes. The GC zoned self-storage warehouse site for the proposed wireless communication facility and 100-foot tall monopole is less appropriate than the south adjacent, across K-42 highway, LI zoned warehouses and SF-20 zoned farmland, because it is abutting SF-20 zoned single-single-family residences. However, staff has been provided no information in regards any contact or a willingness of the LI zoned warehouses and SF-20 zoned farmland to partner in the proposed wireless facility, thus the current application. The area's residence will weigh the touted benefits of the proposed wireless communication facility and its 100-foot tall monopole tower with its 4G technology against the site's visual impact. Based on the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the following conditions:

- A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met. This 35-foot (x) 50-foot lease area for the wireless communication facility and its 100-foot tall galvanized steel monopole shall also meet all the criteria identified in the attached FAA airspace study.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. This will include providing a copy of the recorded proposed 15-foot access and utility easement to the Metropolitan Area Building and Construction Department and Planning.
- C. The support structure shall be a monopole design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- E. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 15 feet when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.

- F. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide the City of Wichita Engineer with any required plans, including drainage, for review and approval of the site.
- G. If the Zoning Administrator finds that there is a violation of any of the amended provisions of Protective Overlay #78, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the amended portions of Protective Overlay is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located in a part of the city that is on the edge of the county. The site abuts SF-20 Single-Family Residential zoned residences (located in the County, District #2) on its west side and the SF-5 Single-Family Residential zoned St. Peter's Catholic Church and school development on its north and east sides. There are more SF-20 and SF-5 zoned single-family residences located adjacent to the site's west, north and east sides. A LC Limited Commercial zoned convenience store, commercial strip building, a day care and single-family residence abut and are adjacent to the site's south and southwest side of the site, with all of them located along K-42. SF-20 farmland and LI Limited Industrial zoned warehouses, a building supply store and a cluster of warehouse-offices, trucking and manufacturing developments are located south (across K-42) and east (abutting the already mentioned SF-20 and SF-5 zoned single-family residences) of the site. Some of these LI and SF-20 zoned sites would seem to be less problematic than the proposed site because of their distance from the area's single-family residences. However, most of the LI zoned properties are located within Airport Hazard Zone A, which has a maximum structural height of 25 feet or less, thus presenting an obstacle in height that the proposed site does not have. The closest LI zoned site, the warehouse located directly south across K-42, is located within Airport Hazard Zone B, the same as the subject site. The SF-20 zoned farmlands located south of the site, across K-42, are located within Airport Hazard Zone C, which has a maximum structural height of 150 feet or less.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned GC and is currently developed with a self-storage warehouse, with a Protective Overlay, PO #78. The 0.94-acres site could be re-developed for many commercial, office-ware house types of uses, within the restrictions of PO #78 and its size. The site's GC zoning and self-storage warehouse is not entirely out of character with the area because of adjacent LI zoned warehouses, a building supply store and a cluster of warehouse-offices, trucking and manufacturing developments. The tower would be the first in the area if approved.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed 100-foot tall, wireless, galvanized steel, monopole would be the first in the area. Its visual impact is undeniable, however the conditions of approval will add landscaping around the site, to help minimize the eye level visual impact. The area's residence will weigh the touted benefits of the proposed wireless communication facility and its 100-foot tall monopole tower against the site's visual impact.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility with its 100-foot tall tower is supposed to provide 4G service to the residences and businesses in this part of Wichita and Sedgwick County. The UZC considers a wireless communication facility a commercial type of use.

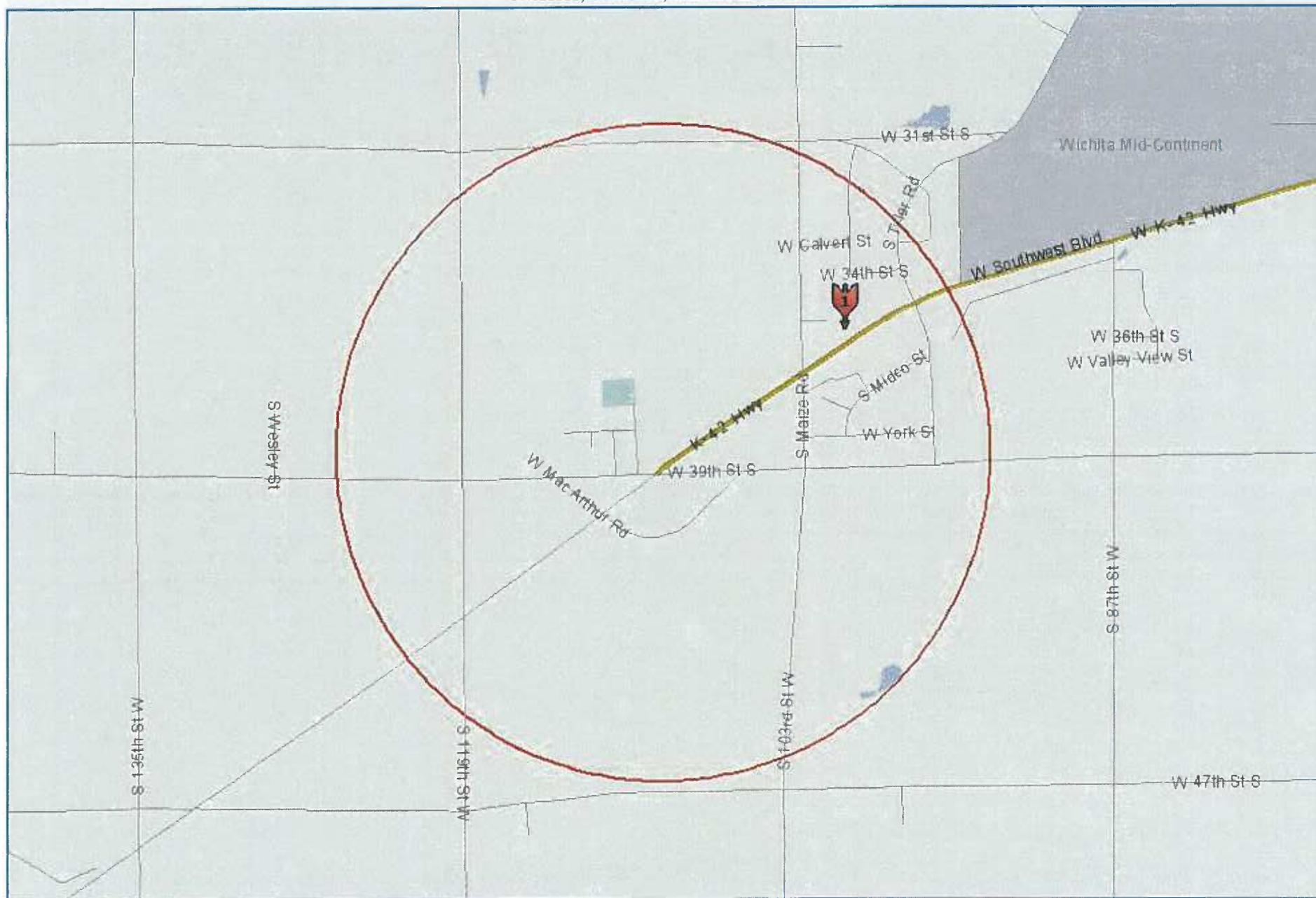
The GC zoned site located within Airport Hazard Zone B, which has a maximum structural height of 75 feet or less. The proposed tower is 100 feet tall. Although the Wireless Communication Master Plan permits maximum structural height of 120 feet in the GC zoning district, the Airport Hazard Zone maximum height is the standard that must be addressed. The GC zoned site is subject to PO #78, which confines the uses on the subject site to what is permitted in the LC Limited Commercial zoning district, some prohibited uses and a self-storage warehouse with supplemental use regulations. PO #78 also has a 20-foot building height restriction. A wireless communication facility with a tower is not listed as a prohibited use, however a wireless communication facility in all zoning districts is subject to the standards of the Wireless Communication Master Plan. The subject site is located within the Wichita city limits, but is not shown as a property eligible for consideration of an Administrative Permit, thus an amendment to PO #78 is required to allow the proposed wireless communication facility. The amendment will also include the 20-foot building height restriction.

The proposed site mostly conforms to the guidelines of the Wireless Communication Master Plan for locating wireless communication facilities. Although this will be the first tower in the area is not out of character with this area's LI zoned properties and the current development or the development that the LI zoning allows. The proposed tower's proximity to the area's residential development is more intrusive than what is or can developed one of the area's LI Zoned properties (the warehouses located south of the site, across K-42) or the SF-20 zoned farmland. Staff has been provided no information in regards any contact or a willingness of the LI zoned warehouses and SF-20 zoned farmland to partner in the proposed wireless facility, thus the current application. But the Wireless Plan anticipates that as more of the general population continues to use the services provided by these facilities, the location of wireless facilities in closer proximity to residential areas is probable. The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities.

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies.

Search Structures

37.622222, -97.469083, radius 1.0 mi / 1.6 km



eCoverage

37.62222222, -97.46908333

General Location

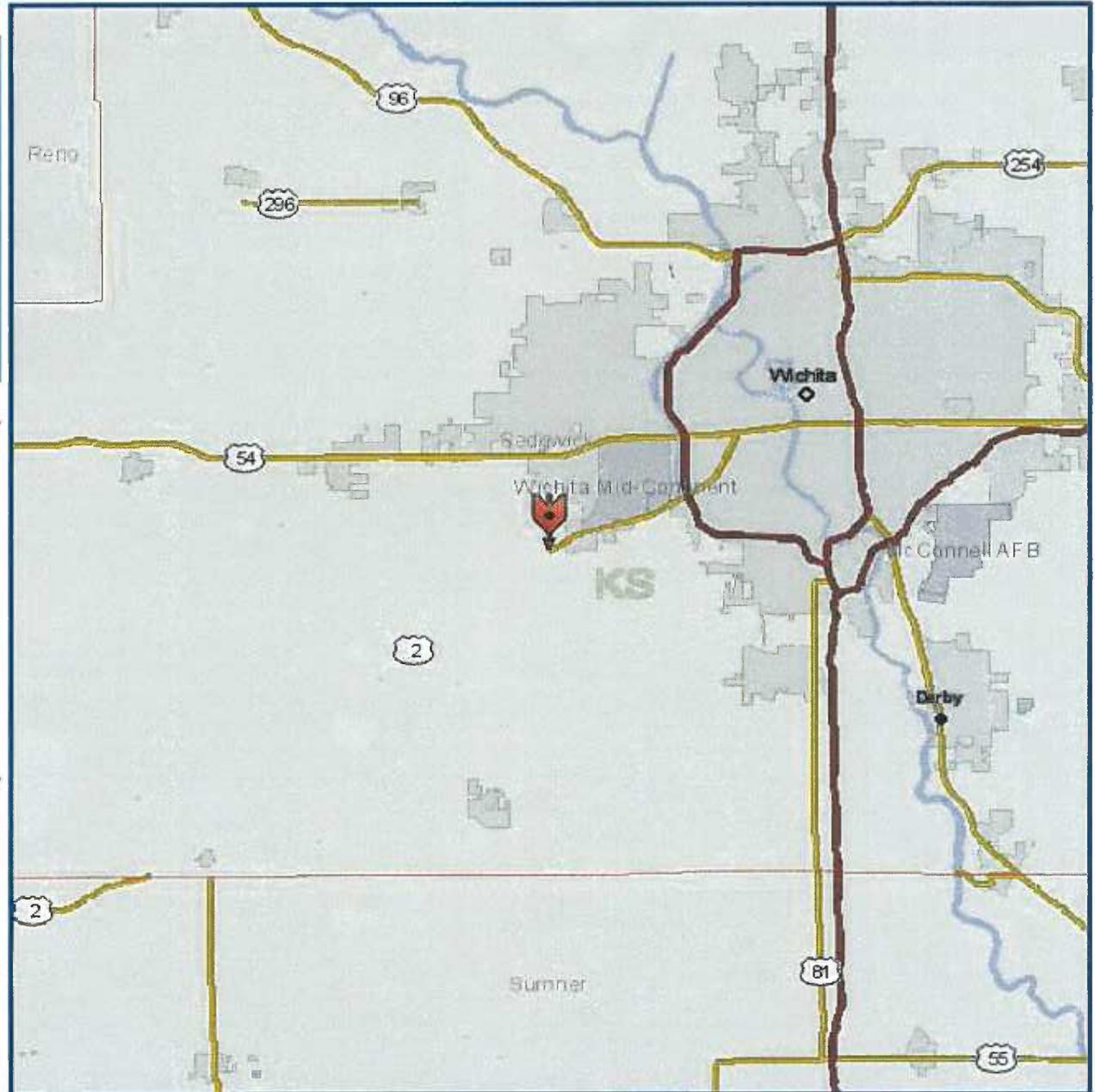


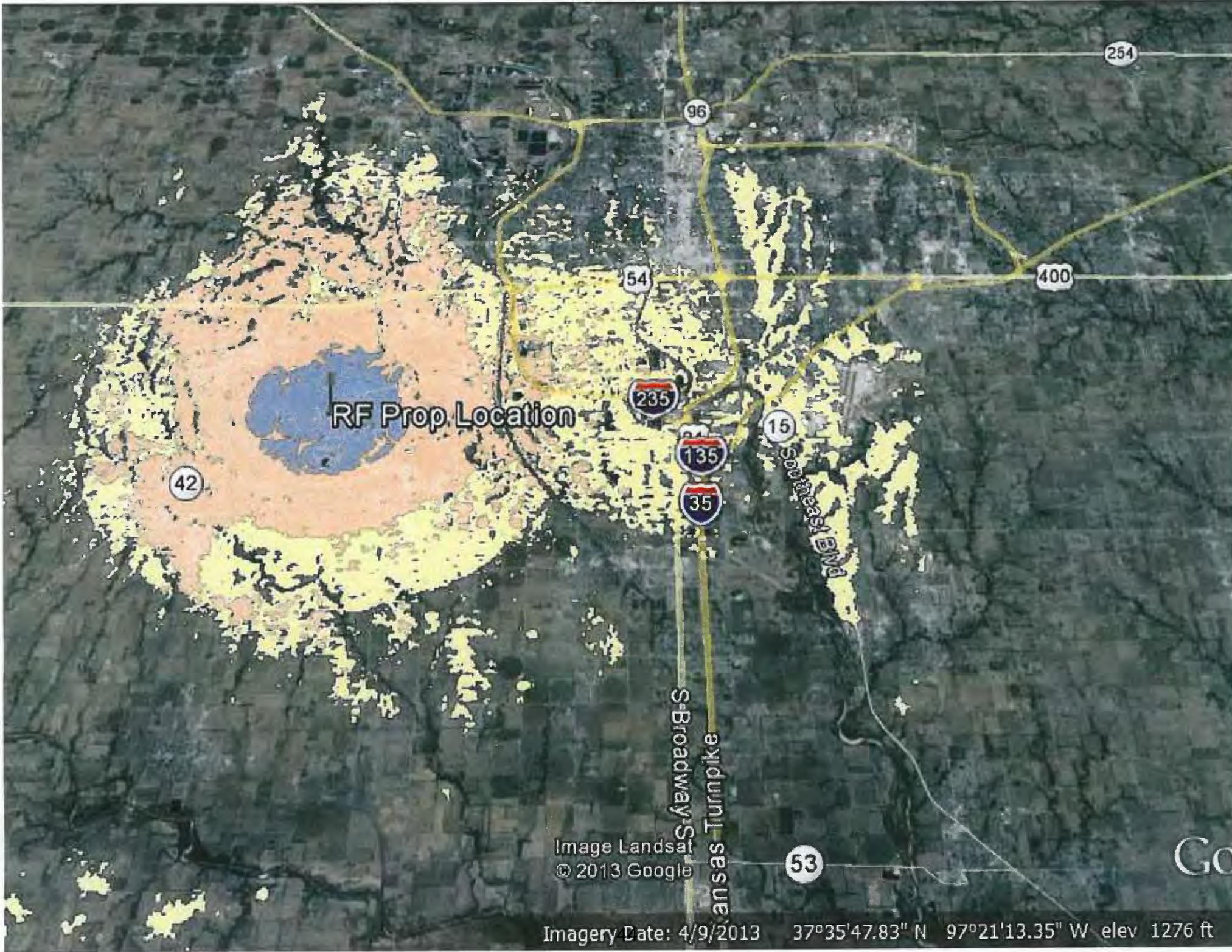
Site Data

Site Name	Schulte
Lat	37.62222222
Lon	-97.46908333
Structure Height	ft / m
Antenna Type	O
Antenna Model	
ERP	10 W
Frequency	850 MHz
CF	

Signal Strength Levels

 ≥ -104	 ≥ -97
 ≥ -85	 ≥ -75
 ≥ -65	





RF Prop Location

42

54

96

400

254

235

135

35

15

53

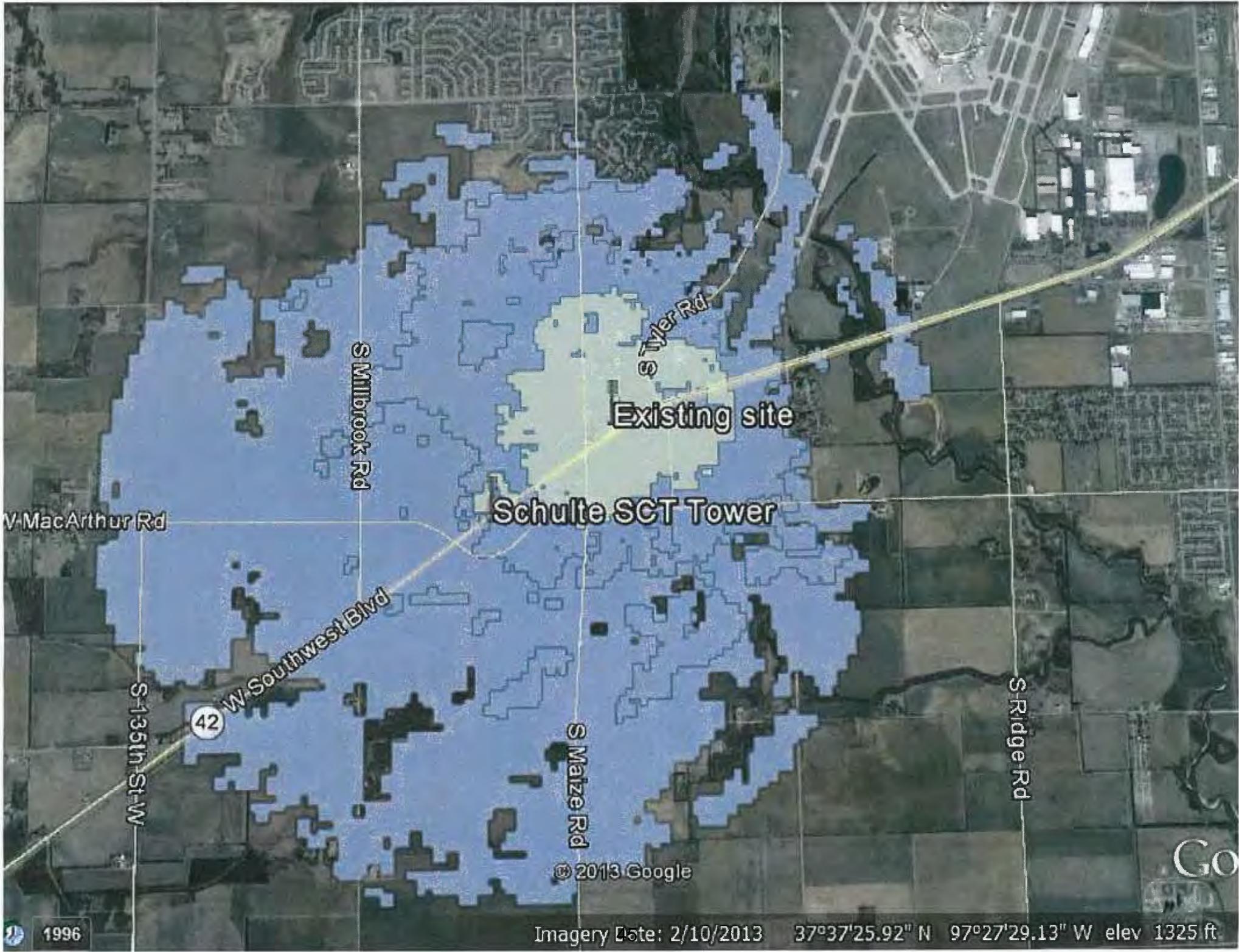
S-Broadway S
Kansas Turnpike

Southeast Blvd

Image Landsat
© 2013 Google

Go

Imagery Date: 4/9/2013 37°35'47.83" N 97°21'13.35" W elev 1276 ft



Existing site

Schulte SCT Tower

S Millbrook Rd

S Tyler Rd

W MacArthur Rd

W Southwest Blvd

42

S-135th St-W

S Maize Rd

S Ridge Rd

© 2013 Google

Go

Imagery Date: 2/10/2013 37°37'25.92" N 97°27'29.13" W elev 1325 ft.

1996

Search Structures

37.622222, -97.469083, radius 1.0 mi / 1.6 km

#	Dist	Type	Name	Coordinates	Height	Structure	Owner	Address
1	0.71 mi 1.14 km	FAA	92-ACE-0868-OE	37.628611, -97.458917	49.9 ft 15.2 m	N/A	CLAIRCOM COMMUNICATIONS GROUP LP	GODDARD, KS

Longnecker, William

From: Longnecker, William
Sent: Wednesday, November 12, 2014 10:41 AM
To: Christopher, Brad
Cc: Dearmont, Don; Oswald, John; McIntire, Sean; Richardson, Ty
Subject: RE: ZON2014-28_PUBLIC_HEARING_NOTICE[1]

Thanks

Held off on replying until I started to work on the MAPC report...I've printed your attached FAA determination & will print this e-mail for the case file...I'll send a copy of the MAPC report late today, early tomorrow, when it is finished
BL

From: Christopher, Brad
Sent: Friday, November 07, 2014 12:13 PM
To: Longnecker, William
Cc: Dearmont, Don; Oswald, John; McIntire, Sean; Richardson, Ty
Subject: RE: ZON2014-28_PUBLIC_HEARING_NOTICE[1]

Hello Bill,

Thank you for forwarding to us the notice of public hearing regarding CASE NO: ZON2014-00028 Spire Wireless and Schulte County Storage, LLC.

Through our own investigation we have learned that this application matches up with FAA Aeronautical Study No. 2014-ACE-1224-OE. The FAA has reviewed this airspace application and determined that there is no hazard to air navigation associated with this proposed structure up to a maximum height of 115' above ground level at the coordinates provided.

I have attached a copy of FAA Aeronautical Study No. 2014-ACE-1224-OE for your reference and records. The Wichita Airport Authority would not oppose this structure as long as it meets the criteria identified in the attached airspace study.

Thanks and regards,

Brad

From: Longnecker, William
Sent: Monday, November 03, 2014 8:59 AM
To: Dearmont, Don
Cc: Christopher, Brad
Subject: ZON2014-28_PUBLIC_HEARING_NOTICE[1]



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ACE-1224-OE

Issued Date: 07/29/2014

Greg Yocom
 St. Charles Tower, Inc.
 4 West Drive #110
 Chesterfield, MO 63017

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole Schulte
 Location: Wichita, KS
 Latitude: 37-37-19.73N NAD 83
 Longitude: 97-28-10.06W
 Heights: 1335 feet site elevation (SE)
 115 feet above ground level (AGL)
 1450 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 01/29/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2508. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ACE-1224-OE.

Signature Control No: 211767427-225350174
Vee Stewart
Specialist

(DNE)

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

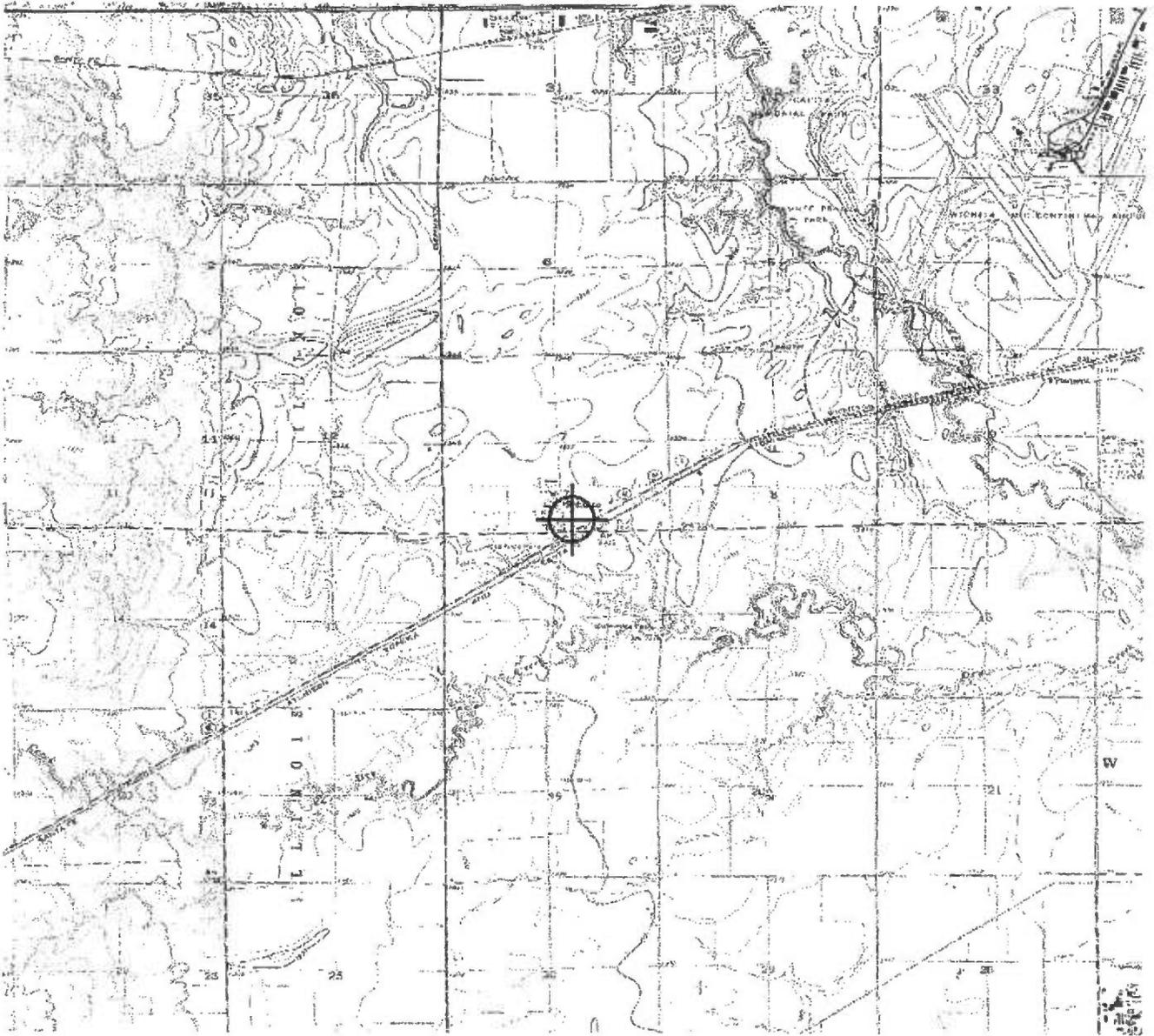
Additional information for ASN 2014-ACE-1224-OE

An aeronautical study was completed on this structure with the submitted above ground level (AGL) height of 180 feet. The study determined that an AGL height of 180 feet exceeds FAR 77.17(a)(3) by 65 feet. The sponsor/rep has provided an e-mail reducing the AGL height to 115 feet. At the revised AGL height of 115 feet the structure would not exceed FAA obstruction standards.

Frequency Data for ASN 2014-ACE-1224-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

TOPO Map for ASN 2014-ACE-1224-OE





The Professional Engineer's seal affixed to this sheet indicates that the engineer has prepared or directed the preparation of the material shown on this sheet. Other drawings and documents not exhibiting this seal shall not be considered prepared by or the responsibility of the engineer.

PROJECT REVISION:

NO.	DATE	DESCRIPTION
1	5/8/14	ADDED LANDSCAPE PLAN
2	7/17/14	CHANGED TOWER HEIGHT
3	7/30/14	CHANGED LEASE DIMS.

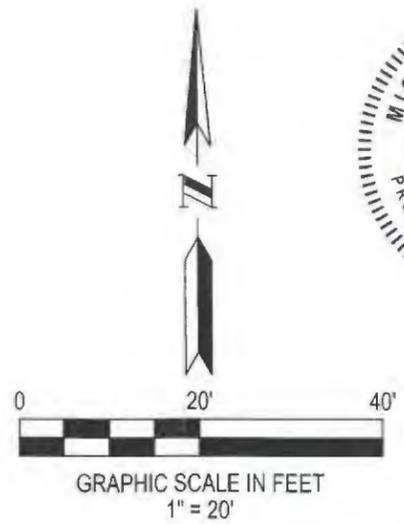
SCHULTE
11012 K42 Highway
Wichita, KS 67215
Sedgwick County, Kansas

DATE: 12-04-13
DRAFTED BY: LLW
APPRVD. BY: MAB

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C-2

PROJECT NO: 13-206

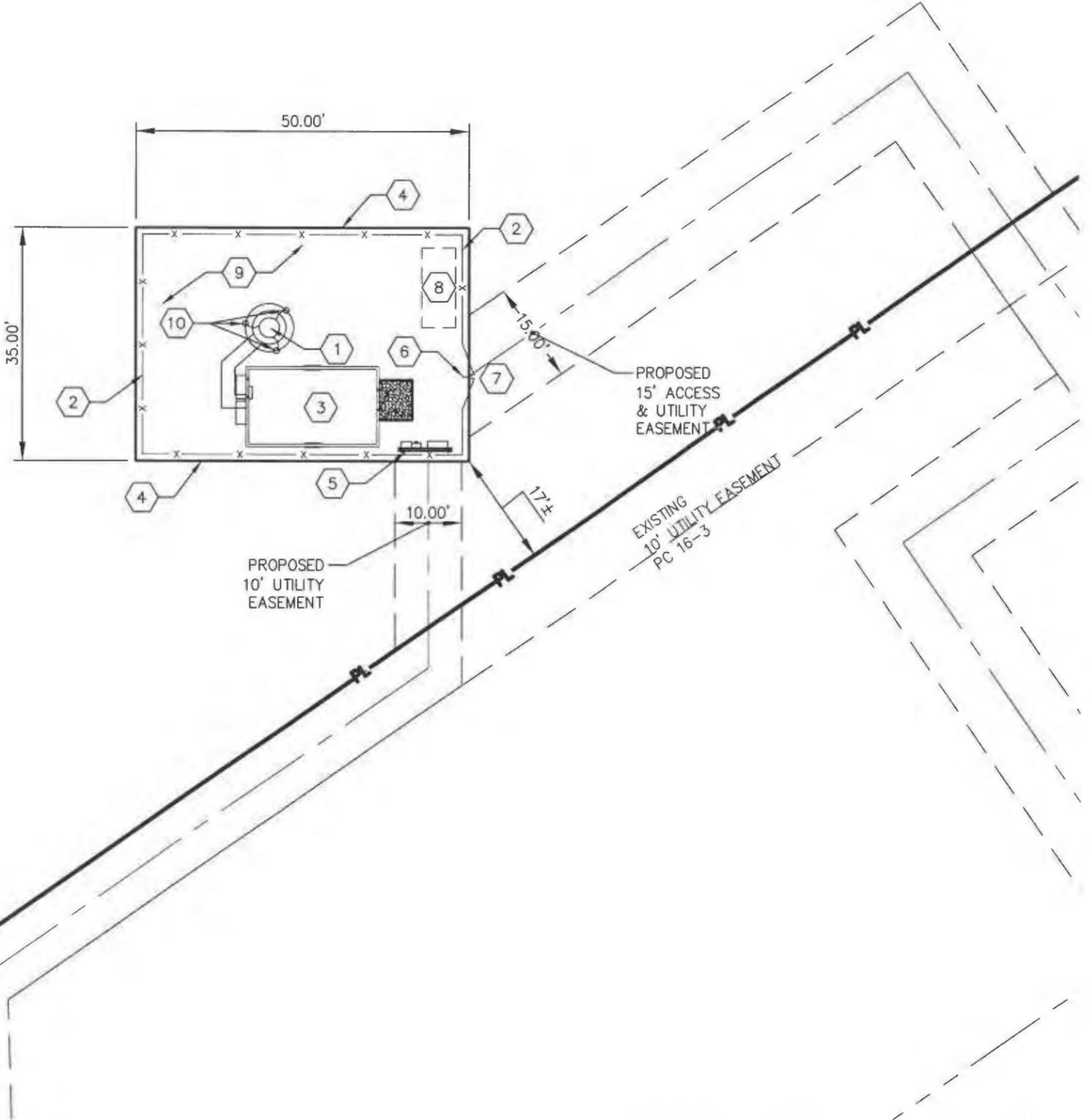


NOTES:

1. CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. (1-800-DIG-RITE)
2. GRADING OF SITE TO BE LIMITED TO THE AREA WITHIN LEASE SPACE. CONTRACTOR TO GRADE SITE TO DIRECT FLOW OF WATER AWAY FROM TOWER.
3. CONTRACTOR SHALL RE-SEED OR RESURFACE ALL DISTURBED AREAS TO ORIGINAL CONDITION.
4. SCRAPE TOP 6" OF TOPSOIL TO REMOVE ROOTS AND WEEDS PRIOR TO COMPACTING BASE AND INSTALLING CRUSHED LIMESTONE SITE FINISH.
5. ALL PVC CONDUITS SHALL BE SCH 80 UNLESS ENCASED IN CONCRETE.

KEYED NOTES:

1. NEW MONOPOLE AND CONCRETE FOUNDATION. SEE SHEET C-3 FOR ELEVATIONS.
2. NEW CHAIN LINK FENCE. SEE SHEET C-4 FOR DETAILS.
3. EQUIPMENT SHELTER (BY OTHERS).
4. PROPOSED LEASE AREA LINE.
5. UTILITY RACK (BY OTHERS).
6. NEW COMPOUND ACCESS GATE(S). SEE SHEET C-4 FOR DETAILS.
7. NEW LEASE AREA ACCESS.
8. FUTURE GENERATOR PAD (BY OTHERS).
9. NEW 2" UNWASHED LIMESTONE (3/4" MINUS) WITH WEED CONTROL FABRIC-MIRAFI 500X OR PER COUNTY REQUIREMENTS (WHEN SPECIFIED BY PROJECT MANAGER).
10. (3) 10' COPPER RODS. #2 SOLID TINNED COPPER WIRE.





The Professional Engineer's seal affixed to this sheet indicates that the named Engineer has prepared or directed the preparation of the material shown only on this sheet. Other drawings and documents not exhibiting this seal shall not be considered prepared by or the responsibility of the undersigned.

PROJECT REVISION:

NO.	DATE	DESCRIPTION
1	5/9/14	ADDED LANDSCAPE PLAN
2	7/17/14	CHANGED TOWER HEIGHT
3	7/30/14	CHANGED LEASE DIMS.

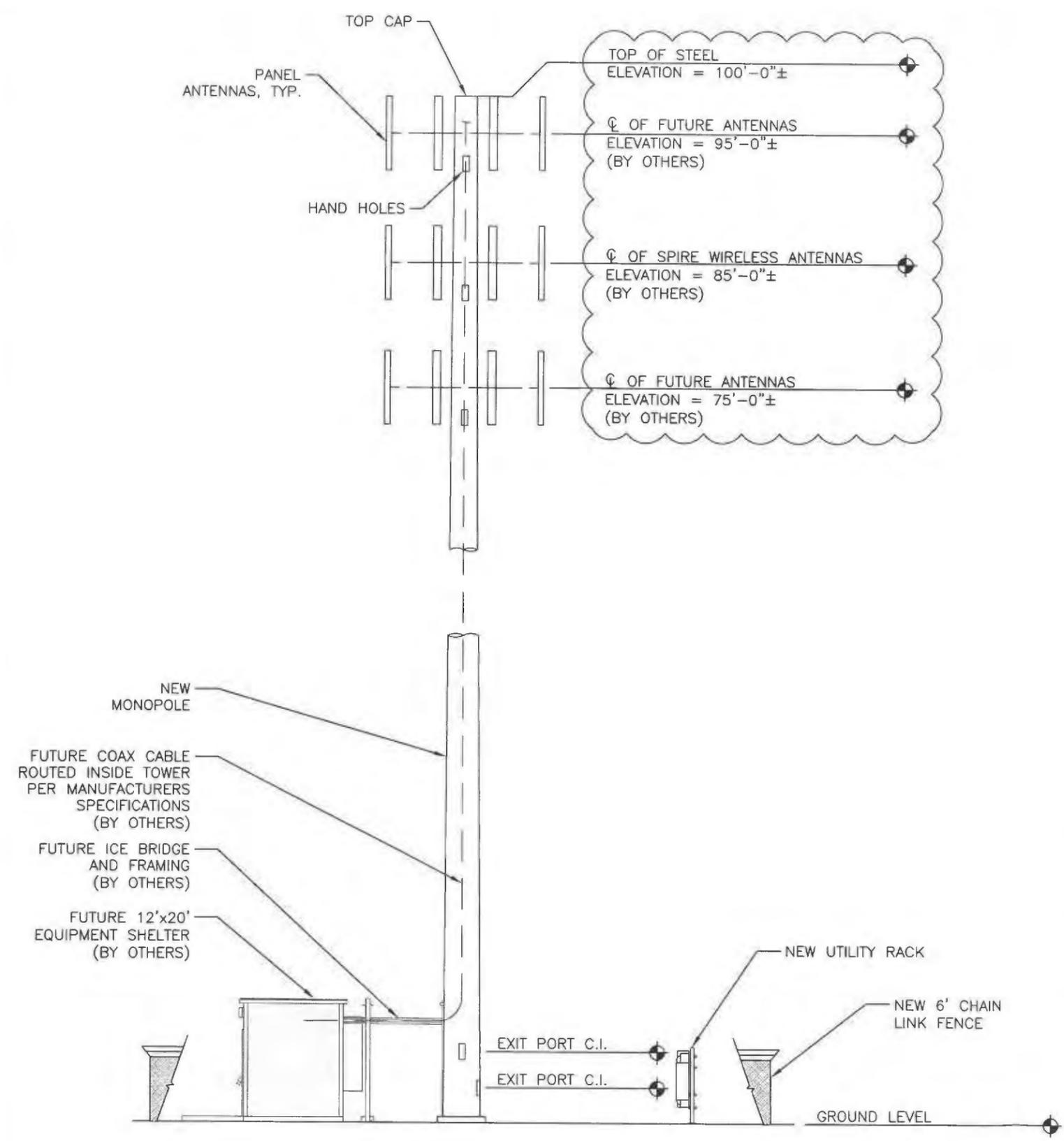
SCHULTE
11012 K42 Highway
Wichita, KS 67215
Sedgwick County, Kansas

DATE: 12-04-13
DRAFTED BY: LLW
APPRVD. BY: MAB

SHEET TITLE:
TOWER
ELEVATIONS

SHEET NUMBER:
C-3

PROJECT NO: 13-206



1 ELEVATION
NOT TO SCALE

GENERAL NOTES

- ELEVATION IS FOR REFERENCE PURPOSE ONLY. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS.
- CONTRACTOR SHALL PERFORM WORK DONE TO OR ON STRUCTURE IN ACCORDANCE WITH PROVIDED STRUCTURAL ANALYSIS PROVIDED BY OTHERS.
- ANTENNAS, COAX, SUPPORTS, AND ETC. SHALL BE INSTALLED PER MANUFACTURER RECOMMENDATIONS.
- TOP OF ANTENNA WILL NOT EXTEND BEYOND TOP OF LIGHTNING ROD.

GENERAL NOTES

- STEEL WORK SHALL BE GALVANIZED UNLESS OTHERWISE NOTED.
- WELDING SHALL BE PERFORMED BY CERTIFIED WELDERS USING E70XX ELECTRODES. WELDING SHALL CONFORM TO AISC & AWS D1.1. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION", 9TH EDITION. AT THE COMPLETION OF WELDING, DAMAGE TO GALVANIZED COATING SHALL BE REPAIRED.
- STEEL BOLTING - ASTM A325-N BOLTS, 3/4" DIAMETER. NON SLIP CRITICAL CONNECTIONS AND SHALL HAVE A MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL VERIFY WITH THE LOCAL AUTHORITIES (CITY, COUNTY, OR STATE) FOR THE GOVERNING BUILDING CODE.
- THE CONTRACTOR SHALL EMPLOY AN INDEPENDENT TESTING AGENCY TO PERFORM ANY STRUCTURAL INSPECTIONS WHICH ARE REQUIRED BY THE LOCAL CODE OR GOVERNING AUTHORITY. THE CONTRACTOR SHALL HAVE AN INDEPENDENT INSPECTOR VISUALLY INSPECT FIELD WELDING AND BOLTING. THE INSPECTOR SHALL PROVIDE A REPORT TO THE CONTRACTING AGENT AND OWNER'S REPRESENTATIVES, DEFICIENCIES SHALL BE RECTIFIED.
- INFORMATION SHOWN ON THESE DRAWINGS WAS OBTAINED BY FIELD MEASUREMENTS AND/OR EXISTING DRAWINGS. THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND NOTIFY THE CONTRACTING AGENT OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING CONSTRUCTION.
- THE CONTRACTOR SHALL OBTAIN PERMITS AND INSPECTIONS WHICH MAY BE REQUIRED FOR THIS WORK.
- THE CONTRACTOR SHALL NOT INTERFERE WITH THE FACILITY'S NORMAL OPERATIONS. ACCESS TO THE WORK AREA SHALL BE AS DIRECTED BY THE FACILITY'S OWNER.
- THE CONTRACTOR SHALL CONFINE THEIR OPERATIONS TO THE DESIGNATED AREAS AND SHALL KEEP THE CONSTRUCTION AREA CLEAN, AISLES AND PATHWAYS SHALL BE KEPT UNOBSTRUCTED.
- THE CONTRACTOR SHALL COORDINATE THE WORK OF VARIOUS TRADES SO AS TO INSURE PROPER SEQUENCING AND INSTALLATION.
- DAMAGE TO THE EXISTING FACILITY SHALL BE REPAIRED OR REPLACED TO MATCH EXISTING ORIGINAL CONDITIONS AT THE CONTRACTOR'S EXPENSE.
- STEEL DESIGN, FABRICATION AND ERECTION SHALL BE IN ACCORDANCE WITH AISC STANDARDS LATEST EDITION.
- STEEL 'W' SHAPES SHALL CONFORM TO ASTM A992.
- SIZE STANDARD BEAM CONNECTIONS BASED ON 3/4 OF THE TOTAL UNIFORM LOAD CAPACITY OF THE BEAM. USE DOUBLE CLIP ANGLES AND AISC TABLE II-A UNLESS INDICATED OTHERWISE.
- STEEL ANGLES AND PLATES - ASTM A36.
STEEL TUBES SHAPES - ASTM A500 GRADE B.
STEEL PIPES - ASTM A53 TYPE E.
- CONTRACTOR SHALL COORDINATE AND VERIFY LAYOUT, PLACEMENT, ECT. OF EQUIPMENT PRIOR TO FABRICATION AND ERECTION.
- VERIFY EQUIPMENT MOUNTING DIMENSIONS PER MANUFACTURER DRAWINGS.



AGENDA ITEM NO. 8

STAFF REPORT
MAPC 11-20-2014
DAB II 12-2-2014

CASE NUMBER: CON2014-00030

APPLICANT/AGENT: Noah's Event Center, Rockwell Debt Free Properties, Inc. (Cathy L. Ramondelli) / Kaw Valley Engineering, Inc. (Tim Austin)

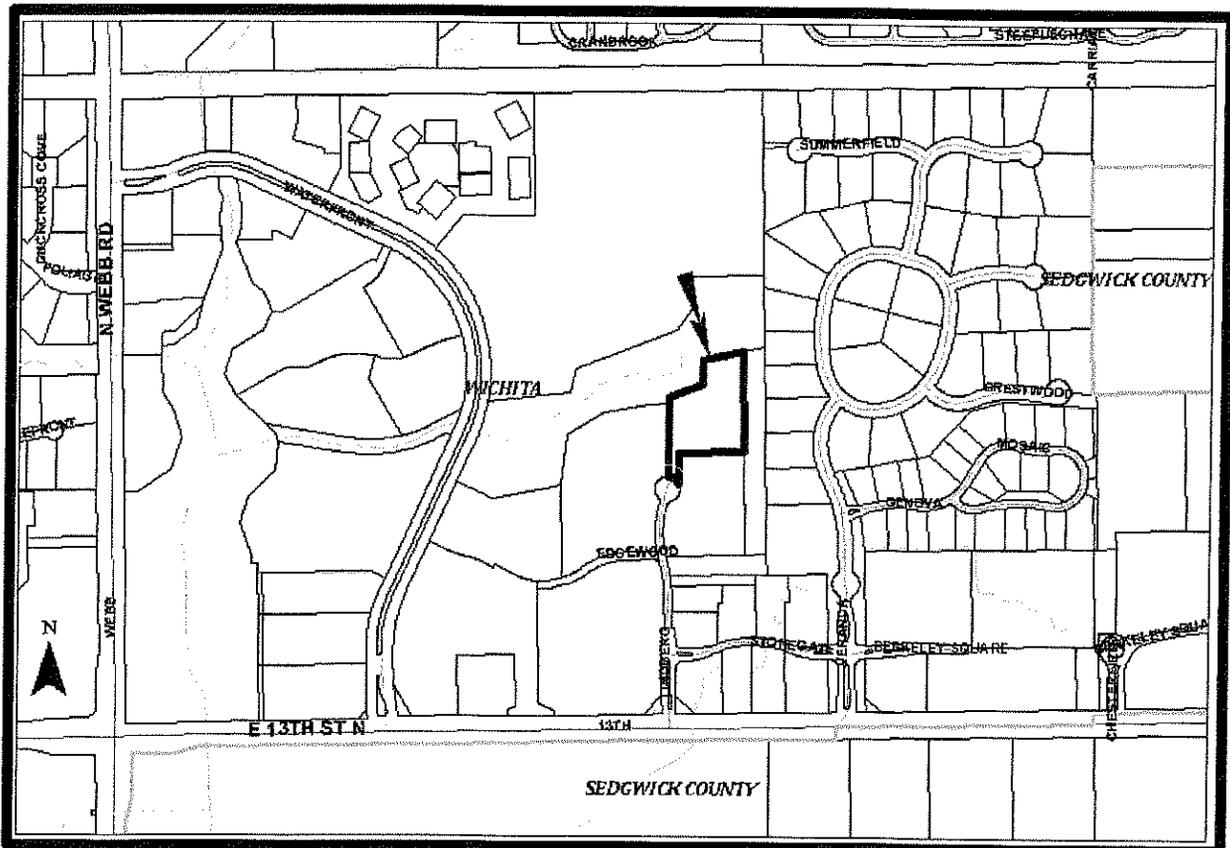
REQUEST: Conditional Use to permit a "nightclub in the city"

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 5.17 acres

LOCATION: At the end of North Lindberg Court, ¼ mile north of East 13th Street North, ½ mile east of North Webb Road

PROPOSED USE: Event center that may serve alcohol and have live entertainment or dancing (nightclub in the city)



BACKGROUND: The application area is 2.36 undeveloped acres that are zoned Limited Industrial (LI) which are located at the end of North Lindberg Court (approximately ¼ mile north of East 13th Street North, ½ mile east of North Webb Road). The subject site is platted as a portion of Lot 3, Block 1, Waterfront 6th Addition, and is one of three lots situated on the Lindberg Court cul-de-sac that is the terminus of North Lindberg Court. The applicant, Noah’s Event Center, is seeking “conditional use” approval for a “night club in the city” that will part of an event center offered for rent for private events such as weddings, reunions, anniversaries, birthdays, corporate or charitable events, art shows or similar activities. Per the “Wichita-Sedgwick County Unified Zoning Code” (UZC), an establishment that serves alcohol and also provides live entertainment or dancing is defined as a “nightclub in the city.”

The applicant proposes to operate his venue differently than a typical nightclub, and has provided a detailed explanation of his intended operation, which is attached. The applicant has also offered the following operational details as proposed conditions of approval:

- A. The facility will be operated similar to an event center where the building or facility is rented out for private activities, where the patrons are present by invitation only to attend a scheduled event, where events or activities are no repeated on a weekly basis and where the facility in not open on a daily basis at times other than when an event is scheduled. To the extent that the presence of entertainment and/or alcohol, which may technically classify the facility as an “entertainment establishment” or “nightclub in the city”, approval of this “conditional use” shall not be deemed to create or allow a facility which is open to the general public whereby alcoholic drinks and/or cereal malt beverages are sold by individual drink and consumed on the property. No business that is classified as a “drinking establishment,” “tavern,” “class A club,” or “class B club” as defined in Chapter 4.04, et seq., of the city Code of Ordinances shall be allowed. “Sexually oriented businesses,” alcohol sales to the general public or the individual sale of liquor by the drink is prohibited.
- B. Hours of operations are limited to 6:00 a.m. to midnight, Sunday through Thursday and 1:00 a.m. on Friday and Saturday.
- C. No outside activities shall be allowed in the parking lot. Only non-electric, non-amplified string musical instruments shall be allowed in the outside patio area. No noise generated with the outdoor patio use shall exceed a sound level of five decibels over ambient background noise level, and in accordance with Article III, Section III-D.6.w(2) of the Unified Zoning Code.
- D. Maximum building height shall be limited to 35 feet.
- E. Parking lot light poles shall be limited to a maximum of 15 feet in height, including the base, and shall be shielded to project the light downward and away from residential areas in accordance with Article III, Section III-D.6.w(4) of the Unified Zoning Code. Parking lot lighting shall be extinguished by 12:30 a.m. Sunday through Thursday and 1:30 a.m. Friday and Saturday.
- F. Trash receptacles shall be appropriately screened to reasonably hide them form ground view. Screening shall be constructed of materials and/or landscaping compatible with the building’s exterior.
- G. Lighted building signs are not permitted on the building elevations that face east or north.
- H. Rooftop equipment shall be screened from ground level view form adjacent properties and no rooftop fencing shall be allowed.
- I. Landscaping shall be per the landscape ordinance, except that a landscape buffer consisting of a three to four-foot berm to shield auto headlights and evergreens at 1.5 times the rate required by the ordinance shall be provided along the east property line between the facility and the residential area to the east.
- J. All utilities shall be installed underground.
- K. At closing time, all patrons are directed to vacate the premises in a timely and orderly manner as required by Section 3.30.075 of the city Code of Ordinances.

- L. The site shall be developed in substantial compliance with the approved site plan. Deviations which in the opinion of the Zoning Administrator, substantially and/or materially differ from the approved site plan shall require the plan to be amended thorough the public hearing process.

The site plan submitted by the applicant depicts a 1,300 plus square foot structure located in the northeastern quadrant of the subject site that has its front facing south upon a 117 stall parking lot. A 25-foot building setback is shown along the east property line. The proposed event center is to be located approximately 50 feet farther west of the east property line. A three to four-foot berm with additional plantings is proposed between the event center/night club in the city. On the north side of the event center a large patio is shown, located some 65 feet west of the east property line. The trash enclosure is to be located in the southeast corner of the site, some 35 feet west of the east property line and five feet from the south property line. Access to the site is via the platted but undeveloped North Lindberg Street, which connects to North 13th Street East.

Located immediately north of the application area is the 140-foot wide Reserve F of the Waterfront 6th Addition that contain ponds and stormwater detention facilities. Located immediately east of the application area is the 87-foot wide Reserve G of the Waterfront 6th Addition that contain a significant hedgerow of mature trees. Both Reserves F and G were established to permit: easements, drainage, sidewalks, berms, monuments, landscaping, irrigation and open space. Reserve G was also established to preserve the existing hedgerow that separates the application area from the residential subdivision located to the east. South and west of the application area are two other vacant parcels. All of the previously mentioned properties are zoned LI. East of Reserve G is a SF-5 zoned residential subdivision.

The LI district permits a very wide range of office, retail, commercial, industrial and agricultural uses by-right, such as: “auditorium,” “community assembly,” “hospital,” “construction sales and service,” “hotel,” “restaurant,” “general retail,” “vehicle and equipment sales,” “freight terminal,” “manufacturing,” “warehouse or grain storage.”

A “nightclub in the city” is an establishment that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food (UZC Article II, Section II-B.9.b). “Nightclub in the city” is permitted by right in the LI zoning district unless the establishment is located within 300 feet of a church, public park, school or residential zoning district, as measured property line to property line. The application area is located within 100 feet of a Single-Family Residential (SF-5) zoned subdivision, the Waterfront Residential Addition that is located east of the application area. When a “nightclub in the city” is proposed to be located within 300 feet of the land uses previously noted “conditional use” approval is required (UZC Article III, Section III-D.6.w).

Compatibility noise standards (UZC, Article IV, Section IV-C.6) prohibit sound amplification systems for projecting music or human voices on any property zoned Neighborhood Office (NO) or more intensive if the music and/or voices can be heard within any residential zoning district that is located within a 500-foot radius of the subject site as compared with the applicant’s proposed development standard “C.”

The property is located in Area A of the Wichita Airport Hazard Zoning Overlay district that requires buildings over 25 feet in height to receive Federal Aviation Administration approval; see proposed development standard “D.” The property is located approximately ¾ of a mile northwest of the north end of the Beechcraft runway.

CASE HISTORY: The Waterfront 6th Addition was recorded in November of 2007.

ADJACENT ZONING AND LAND USE:

North: LI, platted reserve for drainage, landscaping, open space, etc.

South: LI, undeveloped parcel

East: LI and SF-5, platted reserve for drainage, landscaping, open space, etc. and a single-family residential subdivision

West: LI, undeveloped parcel

PUBLIC SERVICES: The property is platted; therefore, municipal services either serve the application area or can be extended to serve the site. North Lindberg Street is a platted but currently uninstalled 950-foot long cul-de-sac street with a right-of-way that is initially 56 feet wide but narrows to approximately 32 feet. However, there are two platted future streets that are to connect to the North Lindberg that will significantly shorten the length of the cul-de-sac.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “local commercial” uses. The “local commercial” category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. The 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 residential areas.

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

1. **As defined by the “Wichita-Sedgwick County Unified Zoning Code” (UZC) the “conditional use” permits an “event center” and a “night club in the city”; all other uses permitted by-right in the LI zoning district are permitted unless specifically prohibited.** The “event center” and “night club in the city” shall be limited to a venue for hire with the purpose of hosting a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered for purposes such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events. “Sexually oriented businesses,” as defined by the UZC, shall be prohibited. Alcohol sales to the general public are prohibited. No individual liquor by the drink shall be sold and consumed on the property. No business that is classified as a “drinking establishment,” “tavern,” “class A club,” “class B club” or “restaurant” shall be allowed.
2. No outdoor speakers, entertainment, food or drink service is permitted, unless otherwise addressed below. All live performances, disc jockeys, shows, events, and exhibitions shall be held indoors. Live performances include live productions of music or sound by individuals, bands, musicians, dancing, karaoke, and theatric performances. Outdoor entertainment may be provided, and shall be limited to acoustic performances without sound amplification. The “event center” or “night club in the city” shall be required to stop all noise generating activities, such as music, at 9:00 p.m., or move such activities into the building.
3. The “event center” or “night club in the city” shall have a maximum event size of 350 guests. Parking shall be provided at the rate of 1 stall per 3 occupants.
4. The “event center” or “night club in the city” shall be allowed to operate from 8:00 a.m. to 1:00 a.m. on Friday and Saturday, and from 8:00 a.m. to 12:00 p.m. Sunday through Thursday. Facility set-up

and clean-up shall be allowed between the hours of 8:00 a.m. to 1:30 a.m. on Friday and Saturday, and from 8:00 a.m. to 12:30 p.m. Sunday through Thursday. All guests of an event shall be directed to vacate the property in a timely and orderly within one hour of the closing as required by Section 3.30.075 of the city ordinance.

5. The “event center” or “**night club in the city**” may provide a kitchen facility, provided it shall only be used in conjunction with onsite events. Restaurants shall not be an allowed use.

6. The property owner/operator shall be responsible for the cost of mitigating all noise impacts prior to operation, and shall be responsible for the ongoing cost of monitoring noise associated with the approved use. No outside activities shall be allowed in the parking lot. Only non-electric, non-amplified string musical instruments shall be allowed in the outside patio area. No noise generated with the outdoor patio use shall exceed a sound level of five decibels as measured at the property line in accordance with Section III-D, 6.w.(2) of the Unified Zoning Code

7. Proof of Insurance: The operator shall be responsible for obtaining and maintaining liability insurance covering for events held at the Event Center. Liability insurance shall include covering damage to property on adjacent tracts as a result of public events held at the Event Center.

8. The Event Center shall obtain and maintain a liquor license as required from the appropriate local and/or State authority. Outside vendors shall obtain and maintain a liquor license as required from the appropriate local and/or State authority.

9. Tents may be erected in approved locations subject to compliance with all applicable building and fire code requirements. All tents shall be disassembled and stored within 24 hours of an event.

10. No temporary/portable restrooms facilities are permitted on site.

11. Minimum Screening: A 3-4 foot high landscaped berm shall be constructed along the east property line. Two staggered rows shall be located 5 feet apart and consist of minimum 5 gallon plants 4 to 6 feet tall planted 10 feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species. Fast growing plants with a short-life span shall be discouraged.

- a. Trees and shrubs should be vigorous, drought tolerant 4 to 6 feet in height at the time of installation.
- b. A mature height of 15 feet or more shall be required for each tree.

12. Internet postings: The Event Center shall provide a website accessible to the general public providing the following information:

- a. A complete listing of all scheduled events including dates and times;
- b. Contact information for the operator, e-mail and phone number, to be used to notify the operator of issues with the operation. A phone line shall be manned by a live person during the event; and
- c. Contact information for the Metropolitan Area Building and Construction Department to be used if members of the public have complaints about the operation.

13. The maximum building height shall be limited to thirty-five (35) feet, **subject to Federal Aviation Administration approval, if required.**

14. Parking light poles shall be limited to fifteen (15) feet in height, **including the base**, and shall be

shielded to project the light downward and away from residential area in accordance with Section III-D, 6.w.(4) of the Unified Zoning Code. Parking lot lighting shall be extinguished by 12:30 a.m. Sunday thru Thursday and 1:30 a. m. Friday and Saturday.

15. Trash receptacles shall be appropriately screened to reasonably hide them from ground view. Screening shall be constructed of materials and/or landscaping compatible with the building exterior.

16. Lighted building signs are not permitted on building elevations that face east and north.

17. Roof top equipment shall be screened from ground level view from adjacent properties and no roof top fencing shall be allowed.

18. The site shall be developer per the approved site plan. Deviations which in the opinion of the Zoning Administrator, substantially and/or materially differ from the approved site plan shall require the plan to be amended through the public hearing process.

19. **The site shall maintain all necessary licenses for the operation of a “nightclub in the city.” The site shall conform to all applicable licenses, codes and regulations, including but not limited to zoning, building, fire, liquor and health.**

20. **If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the “conditional use” null and void.**

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The lots and reserves abutting the application area are zoned LI, are undeveloped or are dedicated for open space or drainage/utilities, and are part of a much larger office and commercial complex known as The Waterfront developing east and north from the intersection of Webb Road and 13th Street. Land located some 87 feet east of the application area is developing as a SF-5 single-family residential addition. The application area is one of several undeveloped lots or parcels that form the transition line between the developing commercial and office center located further west of the application area and the single-family subdivision located east.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned LI which permits a very wide range of office, retail, commercial, industrial and agricultural uses by-right, such as: “auditorium,” “community assembly,” “hospital,” “construction sales and service,” “hotel,” “restaurant,” “general retail,” “vehicle and equipment sales,” “freight terminal,” “manufacturing,” “warehouse or grain storage.” Therefore, it is reasonable to expect that the site could be put to economic use as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The application area is zoned LI which permits a very wide range of office, retail, commercial, industrial and agricultural uses by-right. However many of the more intense uses permitted in the LI district are probably more intense or have operational characteristics that are not consistent with the uses that have developed farther west, such as restaurants, banks, offices, and retail

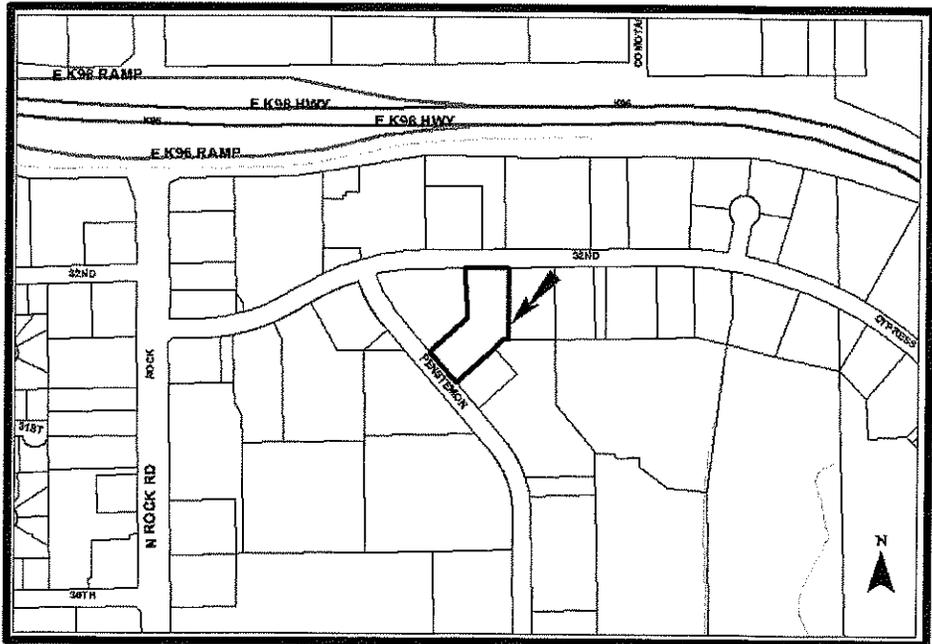
commercial, and the residential subdivision located east of the application area. A “nightclub in the city” subject to the operational and development standards and conditions recommended above would be a more compatible use when compared to the more intense uses permitted by-right in the LI zoning district.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide the public with an additional choice of venue of the type proposed. Denial would presumably represent a loss of economic opportunity to the applicant or property 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 “local commercial” uses. The “local commercial” category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. The 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 residential areas. The proposed use conforms to plan’s recommended uses for the property, and the applicant has offered development standards designed to limit identified impacts on nearby properties.
6. Impact of the proposed development on community facilities: Existing or proposed facilities are capable of serving the proposed use.



STAFF REPORT
MAPC November 20, 2014
DAB II December 2, 2014

- CASE NUMBER:** CUP2014-00035
- APPLICANT/AGENT:** MRP-Metro LLC, Et Al (owner) Darl Heffelbower (applicant) KE Miller Engineers PA, c/o Kirk Miller (agent)
- REQUEST:** Amendment to DP-194, Parcel 1 to allow a “night club in the city”
- CURRENT ZONING:** GC General Commercial
- SITE SIZE:** Approximately +/- 1-acre
- LOCATION:** Generally located east of Rock Road, on the south side of 32nd Street North and on the east side of Penstemon Street (8343 E 32nd Street North)
- PROPOSED USE:** Unlimited alcoholic liquor sales and entertainment



BACKGROUND: The GC General Commercial zoned site, Parcel 1, is located within the GC and LC Limited Commercial zoned DP-194, the Home Design Center Community Unit Plan (CUP). DP-194 is located one block east of Rock Road, between 32nd Street North and 29th Street North, on the east side of Penstemon Street. The applicant is requesting amendment #4 to DP-194 to allow unlimited alcoholic liquor sales and entertainment on Parcel 1; “a night club in the city.” The Unified Zoning Code (UZC) defines a night club in the city as ...”an establishment located in the City that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food.”; UZC, Sec.II-B.9.b. The site currently has a full service restaurant (Drinking Eating Restaurant/DER), Mulligan’s Pub.

The UZC permits a night club in the city in the GC zoning district, but requires a Conditional Use when located within 300 feet of a church or a place of worship, public park, school, or residential zoning; UZC, Sec.III-D.w. The site is located approximately 175 feet west of MF-29 Multi-Family Residential zoned apartments. Because Parcel 1 does not list a night club in the city as a permitted use and the site is closer than 300 feet from residential zoning, an amendment to the CUP is required; the amendment also substitutes for the required Conditional Use.

The proposed night club is part of a one story commercial strip building located within the GC and LC zoned DP-194. The current DER shares parking with several offices located within the commercial strip. A night club requires more parking than a restaurant; one space per two occupants, as opposed to one space per three occupants. The applicant needs to provide the seating capacity of the building to address the new parking standards if the amendment to the CUP is approved. Other developments within DP-194 include:

- Located west of the site, across Penstemon Street, are a GC zoned vacant theater and undeveloped land.
- Abutting the north and west sides of the site there is undeveloped land.
- Abutting the east side of the site there is a GC zoned home health care/medical office building.
- Abutting the south side of the site there is a GC zoned office building and undeveloped land

Further south, within DP-194, there is a GC zoned office-warehouse, a GC zoned vacant building and a LC zoned medical office. In 2013, the GC zoned vacant building, the Chalet, was approved for a drinking establishment; CUP2013-00008

Other developments in the area, but outside DP-194, include the already noted MF-29 zoned apartments located east and southeast of the site. LI zoned multi-story offices, medical and a collision repair are located north of the site, across 32nd Street north. LC zoned commercial/retail/office is located further east of the site up to and along Rock Road As noted, the site is located a block east of Rock Road, possibly east Wichita’s busiest road, with traffic being generated by Rock’s abutting commercial zoning and development.

CASE HISTORY: DP-194, the Home Design Center CUP and the associated zone changes, Z-2978, from R-5 General Residence, BB Office, and LC Light Commercial to C Commercial was

approved by the Wichita City Council on January 9, 1990, subject to platting. The site is located on Lot 2, Block 1, Home Design Center Second Addition, which was recorded with the Register of Deeds October 39, 1992. A 1996 amendment was approved to remove Parcel 4 from DP-194; amendment #1. A 1997 amendment to expand the theater on Parcel 4 was denied. A 2003 amendment was approved to change changed the zoning on Parcel 3 from GO General Office (“GO”) to LC; CUP2003-00045 and ZON2003-00043, amendment #2. A 2013 amendment to allow a boarding and breeding kennel on Parcel 4 was denied; CUP2013-00003. CUP2013-00008 was approved amending DP-194, Parcel 2B to allow a drinking establishment, the Chalet; amendment #3.

ADJACENT ZONING AND LAND USE:

NORTH:	GC, LI	Undeveloped land, multi-story office, medical, collision repair
SOUTH:	GC, MF-29	Office, apartments,
EAST:	GC, MF-29	Medical, offices
WEST:	GC, LC	Vacant theater, undeveloped land, office, retail

PUBLIC SERVICES: The site has a drive onto Penstemon Street. Penstemon is a paved, two-lane, short, local street that directs its abutting commercial developments to its intersections with the arterial 29th Street North on its south side and the urban collector 32nd Street North on its north side. 29th Street North has four lanes with a center turn lane and a raised median located directly across from the east portion of DP-194. 32nd Street North is a paved two lane street. 32nd Street North is also part of the City’s bike path network. Both 29th and 32nd Streets North intersect Rock Road, located a block west of the site. There are stop lights at the 32nd Street North and Rock Road intersection. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” depicts this location as being appropriate for “employment – industry center,” which contains 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 site’s current use as a DER and proposed use as a night club are not typical uses listed for the employment – industry center category; a DER and a night club are more of a local commercial type of use. However, locating a night club within DP-194 with its office-warehouse, retail and office – medical strips is not inappropriate, as its impact on those uses will be minimal. The most negative impact will be on the east abutting apartment complex. However, the proposed night club in the city would not introduce an entirely new use into the area, as the previously approved CUP2013-00008 amended DP-194, Parcel 2B to allow a drinking establishment.

The UZC requires a Conditional Use for a night club when it is located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District; the site is located approximately 175 feet west of MF-29 zoned apartments. DP-194, Parcel 1 does not currently permitted a night club, thus the need for an amendment. An amendment to the CUP substitutes for the required Conditional Use.

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. The proposed night club is located within an existing commercial, office, medical, retail and warehouse-office development, with no direct access through residential neighborhoods. Existing office-warehouses, retail, office, and medical buildings are adjacent to and abutting the site's west, east, south, and north sides. There are no proposed physical changes to the site.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for an amendment to DP-194 to allow a night club on Parcel 1 be **APPROVED**, with the following conditions:

- (1) No outside loudspeakers or entertainment are permitted.
- (2) Provide the seating capacity of the building to address the new parking standards for a tavern/drinking establishment within 60 days after approval of this case by the Governing Body.
- (3) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
- (4) If the Zoning Administrator finds that there is a violation of any of the conditions of the amendment to the CUP, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the amendment to the CUP is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The GC General Commercial zoned site, Parcel 1, is located within the GC and LC zoned DP-194, the Home Design Center Community Unit Plan. DP-194 contains a vacant theater, undeveloped land, medical offices, office-warehouse, office and a vacant drinking establishment. The rest of the area is zoned LI, GC and LC and developed with multi-story and single story retail, commercial, office and medical. The site is located a block east of Rock Road, possibly east Wichita's busiest road.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned GC, which accommodates a wide range of commercial uses (both local and regional in their draw), such as the current DER and if the amendment to the DP-194 is approved a night club in the city.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about night clubs include bad behavior resulting from unlimited alcoholic liquor sales and the hours of the night club having a detrimental impact on the abutting MF-29 zoned apartments.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide" depicts this location

as being appropriate for “employment – industry center,” which contains 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 site’s current use as a DER and proposed use as a night club are not typical uses listed for the employment – industry center category; a DER and a night club are more of a local commercial type of use. Locating a night club within DP-194 with its office-warehouses, retail and office – medical strips is not inappropriate, as its impact on those uses will be minimal. The most negative impact will be on the east abutting apartment complex. However, the proposed night club would not introduce an entirely new use into the area, as the previously approved CUP2013-00008 amended DP-194, Parcel 2B to allow a drinking establishment.

The UZC requires a Conditional Use for a night club when it is located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District; the site is within approximately 175 feet of MF-29 zoned apartments on its east side. DP-194, Parcel 1 does not currently permitted a night club, thus the need for an amendment. An amendment to the CUP substitutes for the required Conditional Use.

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. The proposed night club is located within an existing commercial, office, medical, retail and warehouse-office development, with no direct access through residential neighborhoods. Existing office-warehouses, retail, office, and medical buildings are adjacent to and abutting the site’s west, east, south, and north sides. There are no proposed physical changes to the site.

- (5) **Impact of the proposed development on community facilities:** It is possible that approval of this request could result in an increased demand for police services.



STAFF REPORT
MAPC 11-20-2014
DAB IV 12-1-14

AGENDA ITEM NO. *10*

CASE NUMBER: PUD2014-00002

APPLICANT/AGENT: JBL, Inc. (Jeff Lange) / Baughman Company, P.A. (Russ Ewy)

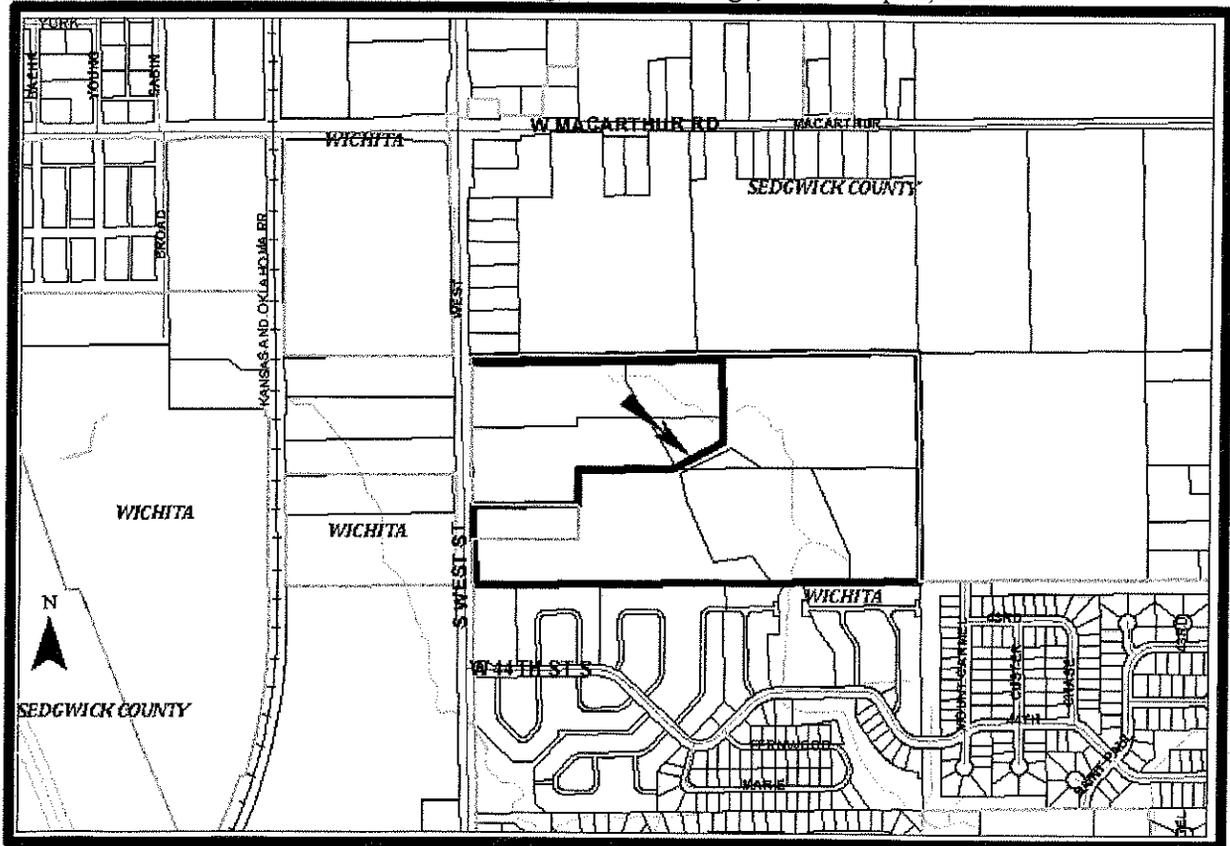
REQUEST: Planned Unit Development #43

CURRENT ZONING: Limited Industrial and SF-20 Single-family Residential

SITE SIZE: 56 acres

LOCATION: East of South West Street, approximately 1/3 mile south of West Macarthur Road (4340 South West Street)

PROPOSED USE: Manufacturing, outdoor storage, vehicle repair, offices



BACKGROUND: The applicant is seeking approval of Planned Unit Development #43 (PUD #43) to permit: offices; the manufacture, outdoor display, outdoor storage and outdoor sales of blast resistant buildings and storage containers; parking, storage and repair of vehicles, including tractor/trailers and all other uses permitted by-right in the Limited Industrial (LI) zoning district, except those prohibited by the PUD. The application area contains 55.84 acres located on the east side of South West Street, approximately 1/3 mile south of West MacArthur Road, and addressed as 4340 South West Street.

The subject site has approximately 54.8 LI zoned acres that are located within the corporate boundary of the City of Wichita, and are platted as Lot 1, Block A and Reserve A, Lange 2nd Addition. The site's remaining 1.2 acres are zoned SF-20 Single-Family Residential (SF-20), and have not been annexed but have been platted as Block A, Meek Addition. The part of the site that is in Sedgwick County is generally the northernmost area labeled on the PUD drawing as "future parking area" and "new container sales area." The property is approximately ½ mile deep but has only approximately 495 feet of frontage along West Street because there is approximately 830 feet of intervening land between the PUD's northern and southern sides that is not included in the application area. The proposed PUD is divided into a single parcel and a reserve. The platted reserve is set aside for open space, lakes, landscaping, outdoor equipment, miscellaneous equipment and drainage. The PUD proposes that a portion of the platted and PUD reserve be used for "potential outdoor container storage." A row of parking spaces are proposed along the eastern property line.

Currently, all of the application area that is located within the City of Wichita is zoned LI, subject to the development standards described in two Protective Overlays (PO) PO #271 and PO #198 that are associated with two zoning cases approved in 2012 and 2007, respectively. (The portion of the application area that has not been annexed is not subject to either of the two PO's.) The requirements of the two PO's are nearly identical. The requirements of PO #271 are listed below in standard print; requirements contained in PO #198 that differ from PO #271 are listed in italics.

1. All uses permitted by right in the "LI" Limited Industrial zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/breeding/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city or the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage. The City Traffic Engineer may require that additional traffic improvements, acceleration/deceleration lanes, be guaranteed to support the increased traffic volume.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. Landscaping will be per the Landscape Ordinance.
4. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards:
 - 1) no outdoor storage or work areas shall be permitted in any building setback;
 - 2) no required off-street parking space or loading area shall be utilized for storage; and
 - 3) items stored outdoors shall be screened from view from West Street or any residentially zoned property.
5. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along West Street and any residentially zoned property.
6. A minimum 35-foot setback for all non-residential buildings along the north and east property lines where adjacent to residential zoning, and a 50-foot setback for all outdoor storage areas along the north and east property lines where adjacent to residential zoning. Setbacks along the west and south property lines shall be per the Unified Zoning Code (UZC). Minimum setback

requirements shall be 35 feet along West Street and a 50-foot setback with two times the required landscaping from the south property line, where adjacent to MH zoning.

7. No overhead doors or loading docks within 200 feet of residential zoning.
8. All signs shall be limited to signs that would be allowed in the "LC" Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting West Street.

The proposed PUD submitted by the applicant contains the following summarized development standards:

- 1) Building coverage is limited to 35 percent of the site (General Provision 1).
- 2) Off-street parking is to be calculated at the rate of 1 space per 1,000 square feet of building area. Parking areas may be surfaced with crushed rock (General Provision 2). The Unified Zoning Code (UZC) Article IF, Section IV-A.4. "manufacturing" requires one parking space per 500 square feet of building area; "outdoor storage" is figured at one space per 10,000 square feet; "office" is calculated at one space per 999 square feet.
- 3) A 35-foot setback is shown along the southernmost portion of the site that has frontage along West Street. Both the Meek Addition and the Lange 2nd Addition have platted 35-foot setbacks along West Street at the location shown on the proposed PUD.) A 50-foot setback is proposed along the northern property line but only for the eastern one-half of the application area. A 50-foot setback is proposed along the eastern property line. (PO #271 requires a 35-foot building setback along the north and east but a 50-foot setback for outdoor storage.) Setbacks per the LI district are proposed along the south property line (General Provisions 3 and 11). (PO #198 requires a 50-foot setback.) Building setbacks per the LI zoning district are: front-20 feet; rear-no minimum; interior side-zero feet but if a setback is provided it must be at least five feet.
- 4) The previously recorded plats for the application had requirements for drainage plans and any required guarantees (General Provision 4).
- 5) Proposed uses are consistent with those permitted or excluded by the existing protective overlays (General Provision 5).
- 6) Three points of access to West Street are proposed, which is consistent with the approved plats. One driveway is proposed to be 36 feet wide. (General Provision 6). The proposed driveways should line up with driveways located on the west side of West Street where possible.
- 7) Screening shall be per Unified Zoning Code; fences or walls shall be constructed of a consistent pattern and color (General Provision 7). The proposed requirement is consistent PO2#271 requirement 2.
- 8) Landscaping per the landscape ordinance (consistent with PO #271 requirement 3; however, PO #187 requirement number 6 required two-times the landscape ordinance minimums along the southern property line (General Provision 8).
- 9) General Provision 9 dealing with outdoor storage is consistent with PO #271 requirement 4.
- 10) General Provision 10 dealing with screening of equipment and loading area, etc. is consistent with PO #271 requirement 5.
- 11) General Provision 11, see 3 above.
- 12) No overhead doors or loading docks within 50 feet of residential zoning (General Provision 12). Consistent with PO #271 requirement 7.
- 13) Signage requirements (General Provision 13) are consistent with PO #271requiremnt 8.

Property located north and east of the application area is zoned SF-20, and is developed with single-family residential, is vacant or is farmland. Property to the south is zoned General Commercial (GC) or Manufactured Home (MH), and is developed with a self-service warehouse or manufactured home park.

Land located to the west, across West Street, is zoned LI, and is either an office/warehouse, is vacant or is farmland.

A solid metal fence exists approximately 21 feet inside the subject site's southern property line and runs approximately 1,670 feet east from the front property line.

CASE HISTORY: Case number ZON2012-34 and its associated PO #271 rezoned the northern half of the current application area and additional acreage not included in the current application (30.3 acres) from SF-20 to LI, subject to the development standards contained in PO #271.

Case number ZON2007-00052 and its associated PO #198 rezoned the southern half of the current application (34 acres), except that portion of the current application that is zoned SF-20, from SF-5 Single-Family Residential (SF-5) to LI.

The northern portion of the site was annexed in 2002, while a portion of the southern-half was annexed in 2013. Lange 2nd Addition was recorded in 2013. Block A, Meek Addition was recorded in 1982.

ADJACENT ZONING AND LAND USE:

North: SF-20; single-family residences, vacant or farmland
South: GC and MH; self-service warehouse, manufactured home park/subdivision
East: SF-20; vacant or farmland
West: LI; office/warehouse, vacant or farmland

PUBLIC SERVICES: South West Street is a two-lane paved arterial with 120 feet of full right-of-way. Sanitary sewer is located along the west, north and east property lines and along a portion of the southern property line. A water main is located in West Street.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map, adopted in 2005, depicts the front approximately 500 feet of the application area as appropriate for "employment/industry center"; while the remainder of the application area is designated as appropriate for "urban development mix" uses. The "employment/industry center" category includes centers 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. The urban development mix includes land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the "urban residential use" category.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the request be approved subject to annexation of the property not currently annexed, and the following conditions:

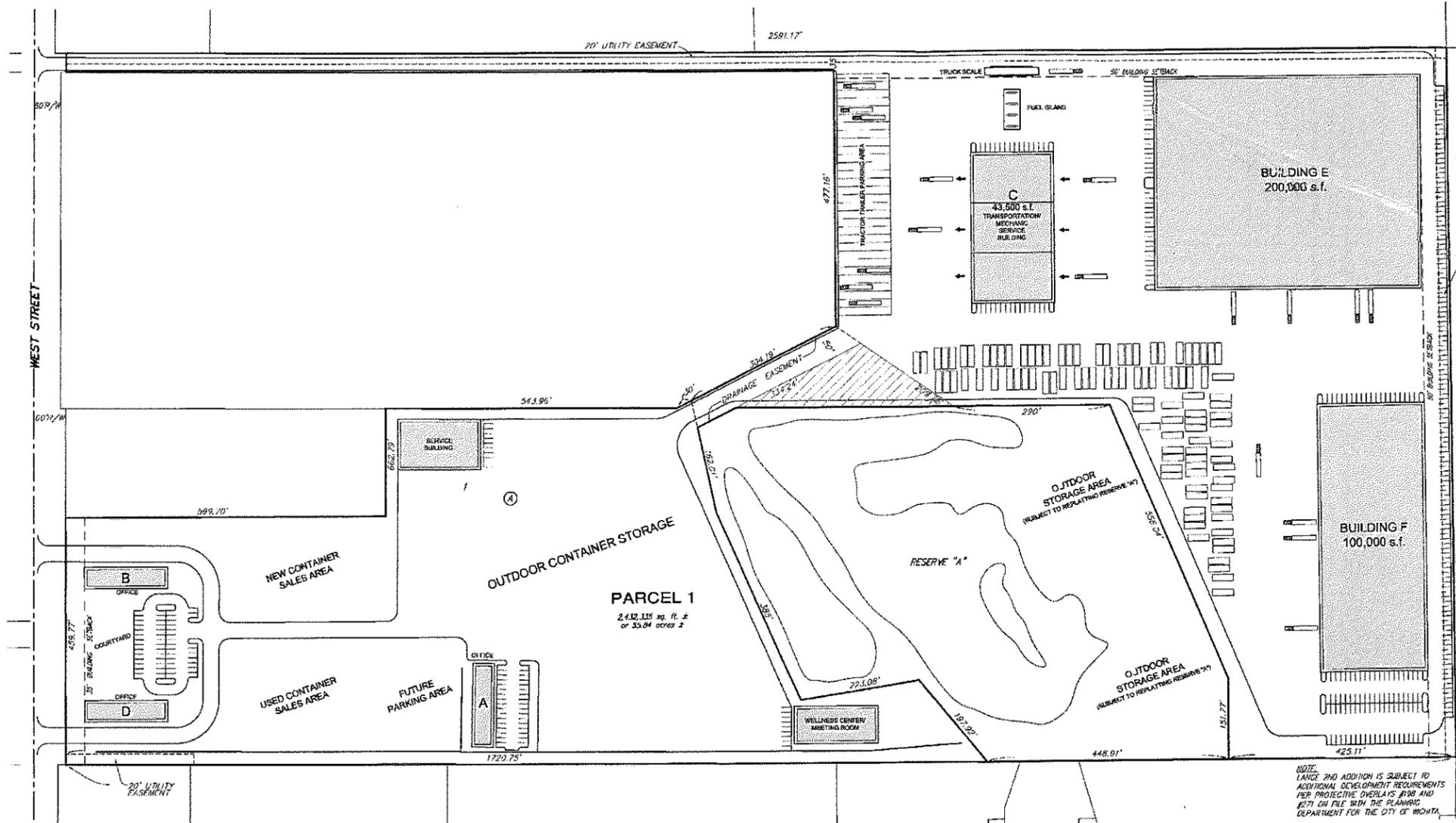
- 1) Building coverage is limited to 35 percent of the site. Total gross floor area is 851,317 square feet. (General Provision 1)
- 2) Off-street parking is to be calculated at the rate of 1 space per 1,000 square feet of building area. Parking areas may be surfaced with crushed rock. (General Provision 2)
- 3) Setbacks are: west (front)-35 feet; north (interior)-50 feet; east (rear)-50 feet and south (interior)-30 feet. (General Provision 3)
- 4) A drainage plan shall be submitted to the Public Works Department for review and approval prior to construction of any additional buildings. (General Provision 4)
- 5) Use permitted in Parcel 1 shall be limited to those permitted by-right in the LI Limited Industrial

- district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, hobby, boarding, breeding or training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city or the county; tattooing and body piercing facility in the city; tavern and drinking establishment; asphalt or concrete plant, limited and general and grain storage. (General Provision 5).
- 6) Access shall be limited to three openings to West Street as indicated on the PUD, and as approved by the City Engineer. One driveway is proposed to be 36 feet wide. (General Provision 6).
 - 7) Screening shall be per Unified Zoning Code; fences or walls shall be constructed of a consistent pattern and color. The use of ribbed flat-panel, non-corrugated, metal as a screening material is permitted. (General Provision 7)
 - 8) Landscaping per the landscape ordinance. (General Provision 8)
 - 9) Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards:
 - 1) no outdoor storage or work areas shall be permitted in any building setback; 2) no required off-street parking space or loading area shall be utilized for storage; and 3) items stored outdoors shall be screened from view from West Street or any residentially zoned property. Outdoor storage areas maybe surfaced with crushed rock or similar material. (General Provision 9)
 - 10) Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along West Street and any residentially zoned property. (General Provision 10)
 - 11) No overhead doors or loading docks within 50 feet of residential zoning. (General Provision 12).
 - 12) All signs shall be limited to signs that would be allowed in the LC Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting West Street. (General Provision 13)
 - 13) The design layout shown on the plan illustrates only one development concept. Slight modifications to the location of improvements may be permitted, provided they meet all requirements of this plan. (General Provision 14)
 - 14) Amendments, adjustments or interpretations to this PUD shall be done in accordance with the Unified Zoning Code. (General Provision 15)
 - 15) Development may be phased on the ability to provide adequate water and sanitary sewer infrastructure. (General Provision 16)
 - 16) The transfer of title of all or any portion of land included within the PUD (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors an assigns. (General Provision 17)
 - 17) The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development. (General Provision 18)
 - 18) Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for its consideration. (General Provision 19)
 - 19) The applicant shall record a notice with the Sedgwick County Register of Deeds that states that the property is subject to development standards contained in the PUD.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: West Street south of West Highway 54/400 is a significant heavy commercial and light industrial arterial street and has been for the last 40 or 50 years. The properties located south of I-235, on the west side of West Street are predominantly zoned LI and there are significant areas zoned LI on the east side of South West Street as well. Property located north and east of the application area is zoned SF-20, and is developed with single-family residential, is vacant or is farmland. Property to the south is zoned General Commercial (GC) or Manufactured Home (MH), and is developed with a self-service warehouse or a manufactured home park. Land located to the west, across West Street, is zoned LI, and is either an office/warehouse, is vacant or is farmland. The character of the area surrounding the subject site is a mix of zoning extremes, LI or SF-20 zoning.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LI subject to two nearly identical protective overlays, described in the “background” section. As currently zoned, the site could be put to economically viable uses as the protective overlays prohibit a short list of problematic uses, such as taverns, sexually oriented businesses and correctional placement residences and permit a wide range of industrial, commercial and office uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD maintains most of the restrictions established by the existing protective overlays. The PUD primarily: allows the site’s parking, loading and driveways to be gravel instead of concrete, asphaltic concrete, asphalt or other comparable surfacing; modifies building setback along the southern property line; establishes a uniform parking standard for the entire site instead of by use and permits metal fencing.
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 will allow a local company to expand, and be more efficient and competitive, and provide additional industrially zoned land to the community’s inventory. Denial would presumably represent an economic hardship to the applicant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map, adopted in 2005, depicts the front approximately 500 feet of the application area as appropriate for “employment/industry center”; while the remainder of the application area is designated as appropriate for “urban development mix” uses. The “employment/industry center” category includes centers 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. The urban development mix includes land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the “urban residential use” category. The request is not consistent with the 2005 land use guide map; however, the more recent zone changes granting LI subject to the protective overlays are a more accurate reflection of the land uses thought to be appropriate for this area.
6. Impact of the proposed development on community facilities: Community facilities are in place to serve the site; however, due to the depth of the lot and the location of sewer and water services, the site will likely need long private service lines to serve buildings located to the rear of the property.

LANGE WEST STREET INDUSTRIAL PLANNED UNIT DEVELOPMENT PUD2014-02



GENERAL PROVISIONS:

1. Total Land Area: 2,432,335 sq. ft. ± or 55.84 acres
Total Gross Floor Area: 651,317 sq. ft.
Total Floor Area Ratio: 35 percent
2. Parking requirements shall be calculated at 1 parking space per 1,000 square feet of building area. Parking areas may be surfaced with crushed rock or similar material.
3. Setbacks are as indicated on the P.U.D. drawing.
4. A Drainage Plan shall be submitted to Public Works Department for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
5. Uses in Parcel 1 shall be limited to those permitted by-right in the "I-1" Limited Industrial district, except the following: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/training/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city or the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grab storage.
6. Access shall be limited to three openings to West Street as indicated on the Plan, and as approved by the City Engineer. One access opening may be up to 30 feet in width to accommodate truck traffic.
7. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
8. Landscaping will be per the Landscape Ordinance.
9. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards: (1) no outdoor storage or work areas shall be permitted in any building setback; and (2) no required off-street parking space or loading area shall be utilized for storage. Outdoor storage areas may be surfaced with crushed rock or similar material.
10. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along West Street and any residentially zoned property.
11. A minimum 50-foot setback for all non-residential buildings along the north and east property lines where adjacent to residential zoning, and a 50-foot setback for all outdoor storage areas along the north and east property lines where adjacent to residential zoning. Setbacks along the west and south property lines shall be per the Unified Zoning Code.
12. No overhead doors or loading docks within 50 feet of residential zoning.
13. All signs shall be limited to signs that would be allowed in the "IC" Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting West Street.
14. The design layout shown on the plan illustrates only one development concept. Slight modifications to the location of improvements may be permitted, provided they meet all requirements of this plan.
15. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code.
16. Development may be phased based on the ability to provide adequate water and sanitary sewer infrastructure.
17. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
18. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
19. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

PARCEL 1

A. Net Area:	2,432,335 sq. ft. ± or 55.84 acres ±
B. Maximum Building Coverage:	729,701 sq. ft. or 30 percent
C. Maximum Gross Floor Area:	651,317 sq. ft.
D. Floor Area Ratio:	35 percent
E. Maximum building height:	80 feet, except for any other structures exempt by the UZC.
F. Setbacks:	See Drawing
G. Access Points:	Three (3) access drives to West Street as indicated on drawing.
H. Permitted Uses:	See General Provision #8.

LEGAL DESCRIPTION:
All of Lot 1, Block A, and Reserve A, Lange 2nd Addition, Wichita, Sedgewick County, Kansas; together with Lot 1, Block A, Meak First Addition to Sedgewick County, Kansas.

REVISIONS:

Draft Planned Unit Development Filed:	October 8, 2014
Draft Planned Unit Development Revised:	October 22, 2014
Approved by MAPC:	
Approved by City Council:	



PUD2014-02
LANGE
WEST STREET INDUSTRIAL
PLANNED UNIT DEVELOPMENT

Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

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

DATE: November 20, 2014
TO: Wichita-Sedgwick County Metropolitan Area Planning Commission
FROM: Dave Barber AICP, Advanced Plans Manager *WDB*
SUBJECT: Conformity of the Union Station Project Plan for the Union Station
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. 49-839 (dated October 14, 2014) established the Union Station Redevelopment District in order to encourage (using tax increment financing) the redevelopment of a 10 parcel area centered around the historic Union Station Depot in downtown Wichita. The TIF redevelopment district and the project area are identical and overlapping - bounded on the west by the elevated rail corridor, on the east by an irregular line roughly following S. Rock Island Avenue and S. Mead Street, on the north by E. Douglas Avenue and on the south by E. Waterman Street.

Project Details - The Union Station Project Plan consists of a mixed-use development of approximately 275,000 square feet of retail, restaurants, office space and structured parking. Union Station LLC owns the property and is also the Developer. They will redevelop the four existing buildings on the complex including the Union Station main terminal through historic renovation. The project will consist of retail, restaurants, and office space (includes 80,000 square feet of new office/retail space) and the construction of a public parking structure (471 spaces) at the south end of the campus. The Developer will finance the project including various public infrastructure improvements. The City will provide pay-as-you-go financing to reimburse the Developer for TIF-eligible expenditures.

The public infrastructure improvements planned within Project Area will consist of the following:

- o Resurfacing existing parking areas and constructing a parking structure;
- o Providing public access improvements including a public plaza with brick paving and aesthetic details similar to nearby Old Town;
- o Purchasing a city public access easement to provide pedestrian gathering areas and mobility access through the Union Station campus.

It is estimated that construction of public infrastructure improvements will begin in 2015 and be completed before the end of 2019 at a total estimated cost of \$17,321,000. Tax increment financing will be used to finance these improvements.

The original total assessed valuation of the Project Area as of January 2014 for taxes payable in 2014-2015 is \$375,000. The projected total assessed valuation as of January 1, 2020 is estimated to be \$11,516,150. Therefore, the captured assessed valuation for the Project Area as of January 1, 2020 is estimated at \$11,141,150. The resulting property tax increment in 2020 has been calculated to be \$933,631. It is the City's intention to use the property tax increment revenues generated by this TIF District to reimburse the Developer on a pay-as-you-go basis. No TIF bonds will be used to finance eligible expenses. The projected tax increment revenue from the District will be sufficient to reimburse the Developer for all eligible project costs.

Analysis: The Union Station Project Plan for the Union Station Redevelopment District falls within the *Project Downtown Master Plan* which has been adopted as an element of the *Wichita-Sedgwick County Comprehensive Plan*. More specifically, the Project Plan area falls within the Downtown Master Plan's designated 'Old Town South District', one of 15 unique districts that constitute Downtown Wichita.

The Project Plan will specifically accomplish the following two key vision themes identified for the 'Old Town South District':

- *"Revive Union Station, adjacent sites, and Douglas Avenue with office, hotel and/or other uses"*
- *"Add shared parking to support development on area blocks and the Douglas edge"*

A third key vision theme is to *"Create an intermodal transportation hub at Union Station."* No information is provided in the Project Plan regarding the possible accommodation of future passenger rail station facilities and/or future intermodal transportation hub facilities at the Union Station Depot. Staff has been advised that the Developer did not include this option in the Project Plan given the lack of a funding commitment for future passenger rail facilities or an intermodal transit hub. The Developer has verbally indicated that a rail station and side track could be located on-site should that service ever be funded.

It is the opinion of staff that the Union Station Project Plan dated November 20, 2014 is substantially consistent with the Wichita-Sedgwick County Comprehensive Plan.

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 Union Station 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 Union Station Project Plan for the Union Station Redevelopment District, November 20, 2014 to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachments:

1. Exhibit A - Union Station Redevelopment District and Project Plan Area Map
2. Union Station Project Plan for the Union Station Redevelopment District, November 20, 2014

City of Wichita
Union Station Redevelopment District
Union Station
Project Plan

November 20, 2014

Prepared by City of Wichita
Office of Urban Development

I N D E X

1. Comprehensive Financial Feasibility Study
2. Redevelopment District Plan
3. Map and Legal Description of Property to be Redeveloped
4. Relocation Assistance Plan
5. Description of Proposed Redevelopment Project
6. Development Agreement
7. City Council Ordinances and Resolutions
8. Metropolitan Area Planning Commission Resolution

Comprehensive Financial Feasibility Study

*Comprehensive Financing Feasibility Study for the
Union Station Project
within the
Union Station Redevelopment District
City of Wichita, Kansas*

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PROJECT DESCRIPTION	3
PROJECTED REVENUE (BENEFITS)	4-5
PROJECTED EXPENDITURES (COSTS)	5
CONCLUSIONS	5
Map of the Redevelopment District and Project Area.....EXHIBIT I	
Assumptions Report	EXHIBIT II
Projected Tax Increment Report	EXHIBIT III

Overview

Sections 12-1770 through 12-1780d of the Kansas Statutes (“the Act”) provide a means for cities to finance all or a portion of public infrastructure and redevelopment costs with incremental real estate and sales taxes. The purpose of the Act is to “promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities, and to assist in the development and redevelopment of blighted areas and deteriorating areas which are not yet blighted, but may be so in the future, located within cities...”.

A city may exercise the powers conferred under the Act provided that the governing body of the city has adopted a resolution finding that the specific area sought to be developed or redeveloped is a blighted area, a conservation area or was designated an enterprise zone prior to July 1, 1992. In addition, the city must find that the conservation, development or redevelopment of such an area is necessary to promote the general and economic welfare of the city.

One or more redevelopment projects may be undertaken within the District. Kansas Statutes require projects to be completed within 20 years from transmittal of the redevelopment project plan pursuant to K.S.A. 12-1776, with the exception of environmental investigation and remediation projects which must be completed within 20 years from the date the City enters into a consent decree with the Kansas Department of Health and Environment or the U.S. Environmental Protection Agency, unless the County and School District have expressly consented to a 10-year extension of the term.

For each redevelopment project undertaken within the District, a redevelopment project plan (“the Project Plan”) must be prepared in consultation with the City Planning Commission. The Project Plan must include the following:

1. A summary or copy of the Comprehensive Financial Feasibility Study.
2. A reference to the statutorily required district plan for the District.
3. A description and map of the area to be redeveloped (“the Project”).
4. The Relocation Assistance Plan (if applicable).
5. A detailed description of all buildings and facilities proposed to be constructed or improved.
6. Any other information the City deems necessary to advise the general public of the intent of the Project Plan.

The Comprehensive Financial Feasibility Study (this document) must show that the benefits derived from the specified redevelopment project will exceed the costs, and that the income therefrom will be sufficient to pay for the applicable project costs. Benefits are determined to be the aggregate revenues of the redevelopment project including increment income, assessment income, interest income, private party contributions and any other available funding sources. Costs are determined to be the total of eligible project expenditures as defined by K.S.A. 12-1770a, including the payment of principal and interest of debt used to finance the redevelopment project.

Pursuant to all the provisions of the Act, The City of Wichita has, by Ordinance No. 49-839 dated October 14, 2014, found a portion of the City was a blighted and that redevelopment of the area is necessary to promote the general and economic welfare of the City. With adoption of Ordinance No. 49-839, the City established and designated such area as the Union Station Redevelopment District (“the District”). The District boundaries are shown in Exhibit I.

The City is currently considering the adoption of a Project Plan for the proposed Union Station Project (“the Project”) within the designated Union Station Redevelopment District. The proposed Union Station Development Project is a mixed use development of approximately 10 acres generally located southwest of Douglas and Washington, east of the elevated railroad. The project will consist of almost 275,000 square feet of retail, restaurants, and office space with historic renovation of the existing buildings on the campus, as well as new construction infill. Development will also include construction of a public parking structure with approximately 471 spaces.

The Developer will finance the project, including various public infrastructure improvements. The City will provide public funding in the form of pay-as-you-go financing to reimburse the Developer for TIF eligible expenditures.

General Description of Tax Increment

Property tax increment financing involves the creation of an increment (increase over a base value) in the real estate taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, the total assessed value of all taxable real estate within the district for that year is determined. This valuation is referred to as the district's "Original Assessed Value." Property taxes attributable to the district's Original Assessed Value are annually collected and distributed by the county treasurer to the appropriate city, county, school district and all other applicable taxing jurisdictions in the same manner as other property taxes.

As new development occurs within the redevelopment district, the total assessed value of the district, in any given year, will normally exceed its Original Assessed Value. Property taxes generated by applying the sum of the property tax rates of all applicable taxing jurisdictions to the incremental increase in assessed value (over and above the Original Assessed Valuation) is referred to as the "property tax increment". All property tax increment is collected by the County and distributed to the City to be deposited in a special tax increment fund.

Sales tax increment financing involves the creation of an increment (increase over a base value) in the local sales taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, a base value of local sales tax collections within the district is determined. As new commercial development occurs within the redevelopment district, sales tax collections are expected to increase above the base value. Pursuant to city law governing the use of local sales tax revenue, the City does not intend to collect incremental sales tax revenues as "sales tax increment".

Tax increment funds may only be used to pay for certain statutorily-defined eligible project costs, including principal and interest on debt issued, in whole or in part, to finance eligible project costs within the redevelopment district. Such financing includes notes, special obligation bonds, full faith and credit tax increment bonds, other debt instruments and pay-as-you-go. The City intends to finance eligible improvements within the district through pay-as-you-go financing. The City will reimburse the developer, through pay-as-you-go financing, for TIF eligible expenses paid for by the developer.

Project Description

The Union Station Development Project will include approximately 10 acres southwest of Douglas and Washington. The Project Area is depicted on the map in Exhibit I. The project will create almost 275,000 square feet of mixed use development. The Developer will rehabilitate the existing structures to historic standards as well as create 80,000 square feet of additional space. Development will include retail, restaurants and office space. Development will also include construction of a 471 space parking structure.

**Projected Revenues (Benefits)
Captured Assessed Value**

It is the City’s intention to use the property tax increment generated by the District to reimburse the developer, on a pay-as-you-go basis, for TIF eligible expenses paid for and financed by the developer as well as acquire a public access easement within the Project. The property tax increment is based on the District’s increase in assessed value over its Original Assessed Value. The increase in value is expected to be recorded in January in the years 2015-2019 and is referred to as the Captured Assessed Value.

The Total Assessed Value for the Project Area as of January 1, 2020 is estimated to be \$11,516,150. The Original Assessed Value of the Redevelopment District, as assessed in January 2014 for taxes payable in 2014-2015, is \$375,000, according to data provided by the City of Wichita Geographic Information Service Office. Therefore, the Captured Assessed Value of the TIF District as of January 1, 2020 is \$11,141,150.

For the purpose of this analysis, it is assumed that the Total Assessed Value of the District will increase during the life of the project period at the annual inflation rate of 2%.

Property Tax Rates

In order to determine the amount of tax increment generated by the District in any given year, the Captured Assessed Value of the District must be multiplied by the sum of the tax rates for all applicable taxing jurisdictions for that year. For taxes levied in 2013 and payable in 2014, the applicable rate is 99.101 mills as shown below. The State of Kansas rate of 1.5 mills and the statewide education levy of 20 mills are not applicable to TIF and have been omitted from the following total:

<u>Jurisdiction</u>	<u>Mill Rate (2013)</u>
City of Wichita	32.509
Sedgwick County	29.377
USD No. 259	37.215
TIF-Applicable Mill Rate	99.101

Projected Property Tax Increment and Other Project Revenue

The projected property tax increment generated by the District is shown in column 9 of Exhibit III. Such projections are based on captured assessed values derived from captured assessed valuations and tax rates as previously discussed. It is assumed that Project construction will begin in 2015 and be completed before the end of 2019, and therefor achieve full valuation by January 1, 2020. It is estimated that in 2020 the property tax increment will be \$933,631.

All tax increment shall be allocated and paid by the Sedgwick County Treasurer to the City Treasurer in the same manner and at the same time as normal property taxes. All such incremental taxes must be deposited in a special fund of the City for the payment of eligible redevelopment costs.

Projected Expenditures (Costs)

A projected budget for the eligible project costs in the Project Area is listed below.

Public Improvements	\$6,211,700
City Access Easement	1,500,000
Parking Structure	<u>9,609,300</u>
	\$17,321,000

All eligible project costs will be financed by the Developer and reimbursed by the City, as TIF revenue is available. TIF revenues will be used to reimburse the Developer for eligible TIF related project costs, to the extent TIF funds are available. No bonds will be issued with this project.

Conclusions

Kansas Statutes require that the Comprehensive Financial Feasibility Study must demonstrate that the benefits derived from the Project will exceed the costs, and that the income therefrom will be sufficient to pay for all eligible project costs. As previously discussed, Exhibit III illustrates the projections of tax increment through the year 2033. TIF revenue will be used on a pay-as-you-go basis, no TIF bonds will be used to finance eligible expenses.

All TIF eligible expenses will be financed by the Developer and reimbursed on a pay-as-you-go basis, as revenue becomes available. As such, this report demonstrates that the revenues (benefits) of the District and Project Area exceed the expenditures (costs).

Proposed
Union Station
Project Area

City of Wichita, Kansas

- Proposed Union Station Redevelopment District and Project Area
- Property Parcels inside District
- Property Parcels outside District

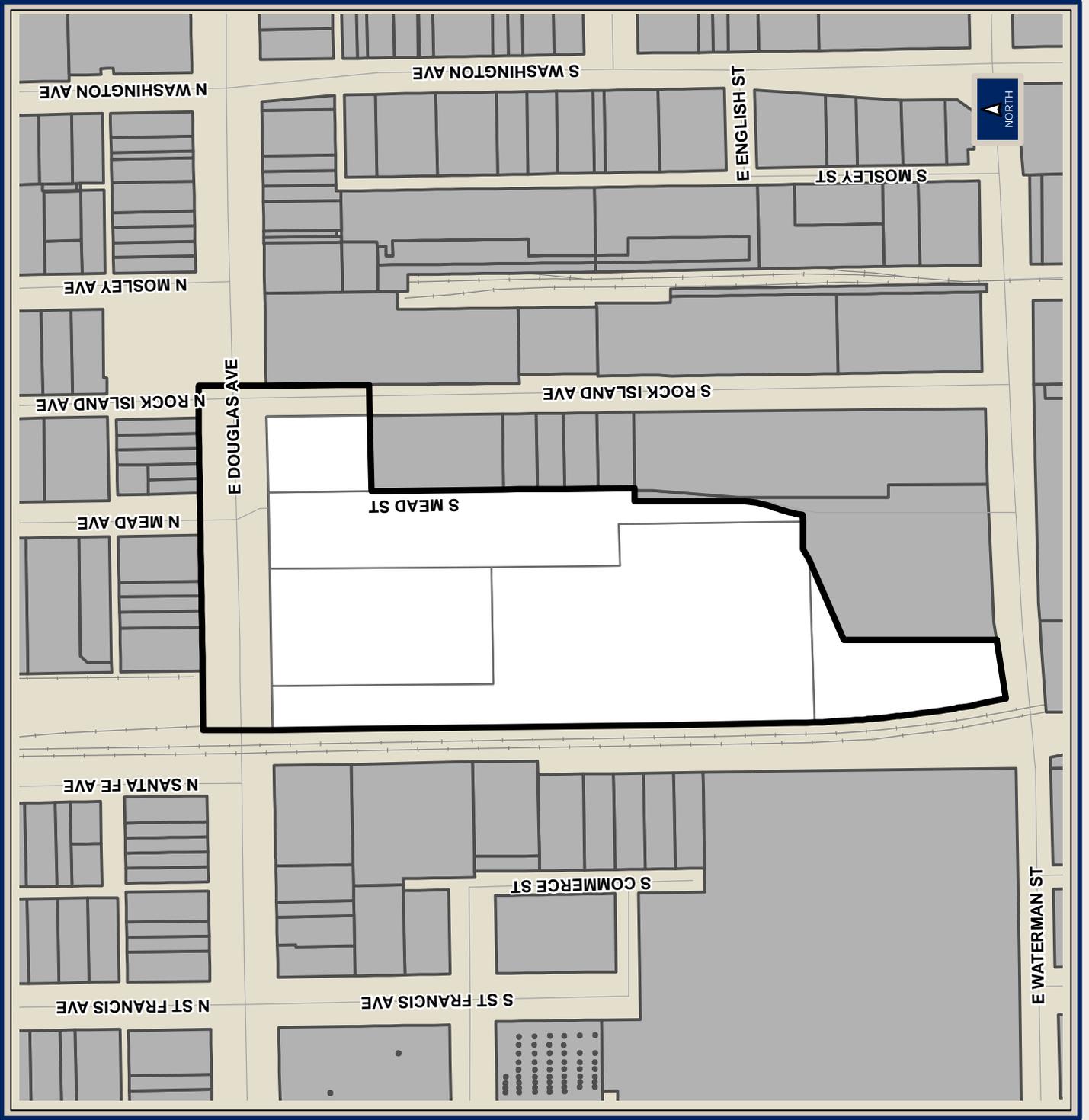
Software: ArcGIS 10.1
Hardware: Dell Precision
Printer: HP 5000 Plotter

Map Data Source:
Property Parcels
provided by
Sedgwick County GIS.

Road Centerlines
provided by
City of Wichita

Thursday, July 21, 2013 9:45:01 PM
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This information is published by the City of Wichita Data Center. Geographical information systems data have no indication and no warranty to believe that there are inaccuracies in information included in the base map; the Data Center-GIS per



Assumptions Report

City of Wichita, Kansas
 Union Station Redevelopment District
 Union Station Project

Description of Project Area	See Map (Exhibit I)
Original Appraised Value (1/1/14)	\$1,500,000
Original Assessed Value (1/1/14)	375,000
2020 Appraised Value (1/1/20)	\$46,064,600
2020 Assessed Value (1/1/20)	\$11,516,150

<u>2013 Mill Rates (2014 Pay)</u>	<u>Total</u>	<u>TIF Applicable</u>
City of Wichita	32.509	32.509
Sedgwick County	29.377	29.377
USD No. 259	57.215	37.215
State of Kansas	1.500	NA
Total	120.601	99.101

Property Value Inflation Rate 2%

Projected Tax Increment Revenue Report

City of Wichita, Kansas
 Union Station Redevelopment District
 Union Station Project

Levy & Appraised Year	Year Taxes Distributed	Total Assessed Value	Original Assessed Value	Captured Assessed Value	Net Increment	Mill Rate	Projected Tax Increment
(1)	(2)	(3)	(4)	(5)	(7)	(8)	(9)
2015	2016	375,000	375,000	-	-	99.101	-
2016	2017	1,004,240	375,000	629,240	629,240	99.101	62,358
2017	2018	3,015,838	375,000	2,640,838	2,640,838	99.101	261,710
2018	2019	4,845,209	375,000	4,470,209	4,470,209	99.101	443,002
2019	2020	7,502,482	375,000	7,127,482	7,127,482	99.101	706,341
2020	2021	9,796,000	375,000	9,421,000	9,421,000	99.101	933,631
2021	2022	11,516,150	375,000	11,141,150	11,141,150	99.101	1,104,099
2022	2023	11,746,473	375,000	11,371,473	11,371,473	99.101	1,126,924
2023	2024	11,981,402	375,000	11,606,402	11,606,402	99.101	1,150,206
2024	2025	12,221,030	375,000	11,846,030	11,846,030	99.101	1,173,953
2025	2026	12,465,451	375,000	12,090,451	12,090,451	99.101	1,198,176
2026	2027	12,714,760	375,000	12,339,760	12,339,760	99.101	1,222,883
2027	2028	12,969,055	375,000	12,594,055	12,594,055	99.101	1,248,083
2028	2029	13,228,436	375,000	12,853,436	12,853,436	99.101	1,273,788
2029	2030	13,493,005	375,000	13,118,005	13,118,005	99.101	1,300,007
2030	2031	13,762,865	375,000	13,387,865	13,387,865	99.101	1,326,751
2031	2032	14,038,123	375,000	13,663,123	13,663,123	99.101	1,354,029
2032	2033	14,318,885	375,000	13,943,885	13,943,885	99.101	1,381,853
2033	2034	14,605,263	375,000	14,230,263	14,230,263	99.101	1,410,233
2034	2035	14,897,368	375,000	14,522,368	14,522,368	99.101	1,439,181
							20,117,209

EXHIBIT III

District Plan

EXHIBIT C
**REDEVELOPMENT DISTRICT PLAN FOR THE REDEVELOPMENT
OF THE UNION STATION REDEVELOPMENT DISTRICT
THROUGH TAX INCREMENT FINANCING**

August 19, 2014

SECTION 1: PURPOSE

A district plan is required for inclusion in the establishment of a redevelopment district under K.S.A. 12-1771. The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describes in a general manner the buildings, facilities and improvements to be constructed or improved.

SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME

Projects financed through tax increment financing typically involve the creation of an “increment” in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes flow to the City to fund projects in the redevelopment district, and the remaining portion flows to all remaining taxing jurisdictions. The portion of property taxes flowing to the City is determined by the increase in the assessed value of the properties within the redevelopment district as a result of the new development occurring within the same area. When the current aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district and other qualified expenditures are funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the “original valuation,” continue to flow to all taxing jurisdictions just as they did prior to redevelopment. This condition continues for the duration of the established district, as defined by statute, or until all eligible project costs are funded, whichever is of shorter duration.

SECTION 3: DESCRIPTION OF THE DISTRICT BOUNDARIES

The property within the proposed district includes all property generally bounded by the railroad right of way on the west, the north right of way line of Douglas Avenue on the north, the east right of way line of Rock Island from Douglas to the south property line of 801 E. Douglas and the east property line of 725 E. Douglas on the east, and the south property line of 801 E. Douglas and south property line of lot 2 of Union Station Addition, in Wichita, Sedgwick County, Kansas; and including all street rights of way within such described areas. The legal description of the proposed district is attached hereto and incorporated herein as Attachment 1.

SECTION 4: BUILDINGS AND FACILITIES

The district is located within Project Downtown and is further identified as a catalyst site for redevelopment. The buildings are part of the 10 acre Union Station complex along the rail corridor. A majority of the buildings were constructed prior to 1950 and are vacant. Design and layout of the buildings creates an economic

obsolescence based on current uses.

The proposed redevelopment district is an area that meets the criteria for designation as a “blighted area” as defined by state law governing the establishment and financing of redevelopment districts. Property within a blighted area is legally eligible for establishment of a redevelopment district.

SECTION 5: REDEVELOPMENT AND PROJECT AREAS

It is anticipated that all property within the district will be designated as the “project area” under the redevelopment project plan, which must be adopted by the City Council by a 2/3 majority vote before the expenditure of any tax increment financing funds. The plans for redevelopment of the project area generally call for a full remodel and update of the five existing structures and development of two additional commercial structures for a total of almost 275,000 square feet of retail, restaurant, and office space. It is further anticipated that the project will include construction of a public parking structure.

Tax increment financing may be used to pay for eligible costs, on a pay-as-you-go basis, for land acquisition and site preparation including utility relocations, public infrastructure improvements, such as streetscape, public parking, utility extensions, landscaping, and public plazas. Tax increment financing may not be used for construction of any buildings owned or leased to a private, nongovernmental entity.

SECTION 6: CONCLUSION

After the establishment of the redevelopment district, any redevelopment projects to be funded with tax increment financing will be presented to the Governing Body for approval through the adoption of a Redevelopment Project Plan. The Project Plan will identify the specific project area located within the established tax increment financing district and will include detailed descriptions of the projects as well as a financial feasibility study showing that the economic benefits out-weigh the costs. The Project Plan must be reviewed by the Metropolitan Planning Commission and submitted to a public hearing following further notification of property owners and occupants, before it can be adopted by a two-thirds majority vote of the Governing Body. Only then can tax increment income be spent on the redevelopment projects.

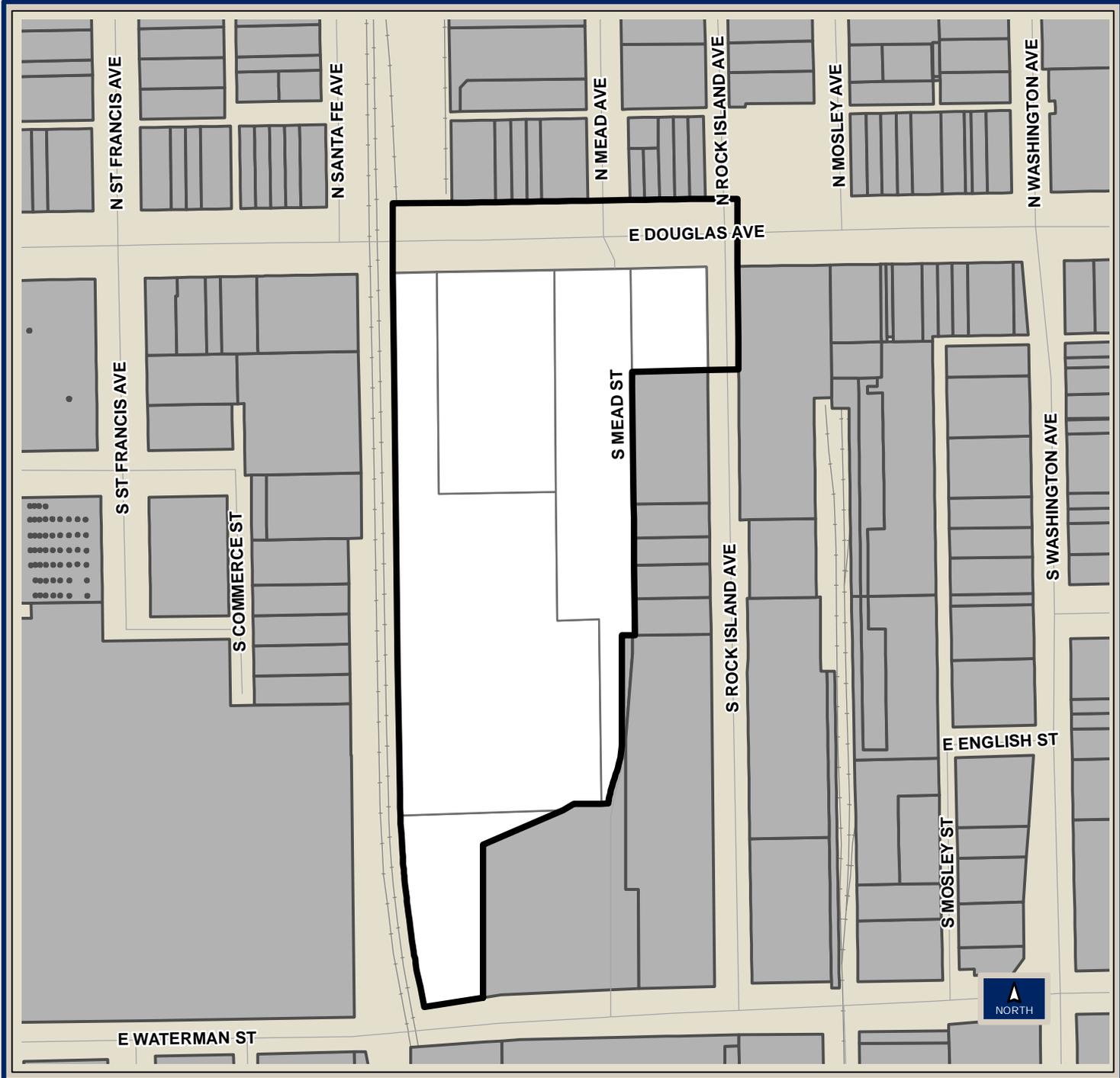
Tax increment financing does not impose any additional taxes on property located within the redevelopment district. All property within the district is appraised and taxed the same as any other property. However, if property within the district increases in value as a result of redevelopment, the resulting increment of additional tax revenue is diverted to pay for a portion of the redevelopment costs.

Attachment 1

LEGAL DESCRIPTION

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Map and Legal Description of Property to be Redeveloped



Proposed Union Station Project Area

City of Wichita, Kansas

-  Proposed Union Station Redevelopment District and Project Area
-  Property Parcels inside District
-  Property Parcels outside District

Software: ArcGIS 10.1
 Hardware: Dell Precision
 Printer: HP 5000 Plotter

Map Data Source:
 Property Parcels
 provided by
 Sedgwick County GIS.

Road Centerlines
 provided by
 City of Wichita

Thursday, July 21, 2013 9:45:01 PM
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It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS per



**BOUNDARY DESCRIPTION OF THE
UNION STATION REDEVELOPMENT DISTRICT AND THE
UNION STATION PROJECT AREA**

Redevelopment District

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Project Area

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius

of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Addition and the surplus adjacent on the east, excluding the west 10 feet thereof; and EXCEPT Lots 1, 2, and 3, excluding the north 0.73 feet of Lot 3, H.L. and Annie M. Taylors Addition and the west half of the vacated alley in Block B, H.L. and Annie M. Taylors Addition adjacent thereto.

Relocation Assistance Plan

RELOCATION ASSISTANCE PLAN

(K.S.A. 12-1777)

Assistance for the relocation of persons, families or businesses from property acquired by the City of Wichita in conjunction with the Union Station Redevelopment Project is not required. No persons or families residing in the Union Station Redevelopment District will be displaced as a result of the proposed redevelopment project. All businesses displaced by the Project have been relocated as part of the compensation paid to the businesses as part of the acquisition of real property.

Description of Union Station Project

Union Station Redevelopment District

DESCRIPTION OF PROPOSED UNION STATION PROJECT

The Union Station Project includes approximately 10 acres southwest of Douglas and Washington. The area consists of the Union Station Depot and surrounding buildings and complex southwest of Douglas and Washington, east of the elevated railroad tracks downtown and is referred to as the “Project Area” (see attached district map). The property is currently owned by Union Station LLC and is located within the Union Station Redevelopment District.

Union Station Redevelopment

The Union Station Project will consist of a mixed use development of approximately 275,000 square feet of retail, restaurants and office space. Union Station LLC will redevelop the four existing buildings on the complex, including the Union Station main terminal through historic renovation. The Developer will construct approximately 80,000 square feet of new space on the campus. In addition to the new buildings, a 471 space garage will be constructed on the south end of the Union Station campus.

Site Improvements

Union Station will redevelop the campus by resurfacing parking areas and providing public areas with brick paving and additional details similar to Old Town nearby. A public access easement will be purchased by the City to provide a pedestrian gathering area and access for mobility through the Union Station campus. Additional public infrastructure improvements and a public plaza will be constructed as part of the Union Station Project.

USE OF TAX INCREMENT FINANCING

The City of Wichita has undertaken the legal steps necessary to establish a redevelopment district pursuant to state laws (K.S.A. 12-1770 *et seq.*) in order to use tax increment financing (“TIF”) to reimburse the costs TIF eligible improvements on a pay-as-you-go basis. Upon adoption of this project plan, the City will have established its authority under state law to reimburse the improvements from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-reimbursed improvements consist of the following:

- **Public improvements** – The Developer will undertake the construction of the infrastructure improvements at an estimated cost of \$6,211,700.
- **City Acquired Public Access Easement** – \$1,500,000
- **Parking Structure** – Construction of 471 space parking structure - \$9,609,300
- **Total TIF-funded costs** – \$17,321,000.

EXHIBIT A
SITE PLAN AND PROJECT RENDERINGS
[ON FOLLOWING PAGE]

Development Agreement

City Council Ordinances and Resolutions

Metropolitan Area Planning Commission Resolution