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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA
Thursday, December 04, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, December 04, 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: *November 6, 2014*

2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS
Items may be taken in one motion unless there are questions or comments.

2-1. LSP2014-00022: Lot Split – SOUTHWEST VILLAGE 1ST ADDITION, Modification of lot width-to-depth ratio for property located East of Meridian, South of Pawnee.

Committee Action: ***Approved 2-0***
Surveyor: ***Armstrong Land Survey, P.A.***

2-2. SUB2011-00049: Revised One-Step Final Plat – MIKE STEVEN MOTORS 2ND ADDITION, located West of Rock Road, South of Kellogg.

Committee Action: ***Motion by C.Warren and Second by D.Foster to Approve except new paragraph K deferred to MAPC -vote Approved 2-0***
Surveyor: ***Baughman Company, P.A.***
Acreage: ***8.9***
Total Lots: ***1***

3. PUBLIC HEARING – VACATION ITEMS
ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM
Items may be taken in one motion unless there are questions or comments.
Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10th Floor, City Hall, 455 N. Main Street, Wichita, Kansas

3-1. VAC2014-00039: City request to vacate public street right-of-ways, generally located between 19th and 21st Streets North, west of I-35, between Cleveland Avenue and a drainage channel.

Committee Action: ***Approved 2-0***

3-2. VAC2014-00040: City request to vacate a platted easement on property, generally located south of Central Avenue, on the east side of Oliver Avenue and south of 3rd Street.

Committee Action: ***Approved 2-0***

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2014-00029

Request: City request for a zone change from SF-5 Single-family Residential to MF-18 Multi-family Residential.

General Location: South of Harry Street, east of the Arkansas River, on the southeast side of the Greenway Boulevard – Silver Street intersection (1814 and 1816 S. Silver Street).

Presenting Planner: Dale Miller

5. Case No.: ZON2014-00030

Request: City request for a zone change from LC Limited Commercial to CBD Central Business District.

General Location: East of Seneca Street on the north side of Douglas Avenue and east of Walnut Street.

Presenting Planner: Dale Miller

6. Case No.: CON2014-00032

Request: City request for a Conditional Use for wrecking and salvage (indoor industrial scrap metal) on LI Limited Industrial zoned property.

General Location: South of Pawnee Avenue, east of West Street, on the west side of Kessler Street.

Presenting Planner: Bill Longnecker

NON-PUBLIC HEARING ITEMS

7. Other Matters/Adjournment

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Minutes

November 6, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 6, 2014 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; Carol Neugent, Vice Chair; David Dennis; David Foster; Bill Johnson (In @1:33 p.m.); Don Klausmeyer; John McKay Jr.; Bill Ramsey; Debra Miller Stevens and Chuck Warren. Joe Johnson; M.S. Mitchell; Don Sherman and George Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Robert Parnacott, Assistant County Counselor; Jeff Vanzandt, Assistant City Attorney, and Maryann Crockett, Recording Secretary.

1. Approval of the October 9, 2014 Planning Commission meeting minutes.

> **MOTION:** To approve the October 9, 2014 Planning Commission minutes, **DENNIS** moved, **MCKAY** seconded the motion, and it carried (7-0-2). **MILLER STEVENS** and **WARREN** - Abstained.

Approval of the October 23, 2014 Planning Commission meeting minutes.

> **MOTION:** To approve the October 23, 2014 Planning Commission minutes. **DENNIS** moved, **MCKAY** seconded the motion, and it carried (7-0-2). **RAMSEY** and **WARREN** - Abstained.

B. JOHNSON (In @1:33 p.m.)

2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

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

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

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water. A guarantee is needed for the replacement of sanitary sewer. A guarantee is needed to terminate water service at the main and removal of all unused services. These improvements will be constructed by a private project.

B. City Stormwater Management has approved the applicant's drainage plan.

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C. Traffic Engineering has approved the access controls. The plat proposes one opening along both Murdoch and Broadway, and two rights-in/out openings along Topeka.

D. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.

E. A guarantee is required for the closure of the north-south alley returns. An alley return Closure Certificate in lieu of a guarantee may be provided.

F. The Applicant has platted a 0-foot building setback along Murdock which represents an adjustment of the Zoning Code standard of a 20-foot front setback for the GC General Commercial District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

G. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

H. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

J. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

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M.Perimeter closure computations shall be submitted with the final plat tracing.

N. Westar Energy advises of existing Westar equipment in this location. Any removal or relocation of that equipment made necessary by this plat will be at the applicant's expense. Becky Thompson is the Construction Services Representative for the northeast area and can be contacted at (316) 261-6320.

O. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

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

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

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

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that Lots 1 through 5 and Lots 9 and 10 are currently being served by water and sewer. Lots 6, 7 and 8 need to extend sanitary sewer upon development/redevelopment.

B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

C. City Stormwater Management has approved the applicant's drainage plan.

D. The plat proposes five access openings along 21st Street North including four rights-in/out openings. The plat proposes seven openings along Amidon including three rights-in/out openings. Traffic Engineering has approved the access controls with the exception of the easternmost opening along 21st Street North. The plattor's text shall be revised accordingly.

E. The Notary Certificate shall reference co-trustees and revise language to "she is the co-trustee" for Connie L. Woodard.

F. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.

G. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

H. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

J. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

M. Perimeter closure computations shall be submitted with the final plat tracing.

N. Westar Energy advises of existing Westar equipment in this location. Any removal or relocation of that equipment needs to be discussed with the area representative and if it is required due to this plat will be at the applicant's expense. Marsha Jesse is the Construction Services Representative for the northeast area and can be contacted at (316) 261-6734.

O. A compact disk (CD) should be provided, which will be used by the City and County GIS departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

WARREN moved, **RAMSEY** seconded the motion, and it carried (10-0).

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3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2014-00032: City request to vacate access control dedicated by separate instrument on property, generally located north of Pawnee on the southwest corner of Haskell Avenue and Seneca Street.

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

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

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

REASON FOR REQUEST: Improve chances for redevelopment

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

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

North, across Haskell Avenue, a LC Limited Commercial zoned restaurant has two drives located to the east and west of the subject site's east drive and a LC zoned office-warehouse has another drive located in-line with the subject site's west drive. The abutting south LC zoned property's fast food restaurant parking and circulation layout includes a potential connection to the subject site's west drive onto

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

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

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

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

   1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 16, 2014, which was at least 20 days prior to this public hearing.

   2. That no private rights will be injured or endangered by vacating the described portion of the access control dedicated by separate instrument, and that the public will suffer no loss or inconvenience thereby.

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

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

(1) Per the approval of the Traffic Engineer, vacate the access control dedicated by separate instrument to allow both the existing drives onto Haskell Avenue from the north side Lot 1, Tract B, Meyers Gardens Addition. All other conditions of the Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 will remain in effect.

(2) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.

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(4) Provide a dedication, with original signatures, of no cross lot access from the south abutting property/site as identified on Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 onto and through the west 37.5 feet of Tract B, all in the Meyers Gardens Addition. This must be provided prior to VAC2014-00032 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

(5) All improvements shall be according to City Standards and at the applicant's expense.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Per the approval of the Traffic Engineer, vacate the access control dedicated by separate instrument to allow both the existing drives onto Haskell Avenue from the north side Lot 1, Tract B, Meyers Gardens Addition. All other conditions of the Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 will remain in effect.

(2) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.

(4) Provide a dedication, with original signatures, of no cross lot access from the south abutting property/site as identified on Meyers Gardens Addition and Commercial Lot Split, SUB2008-00071 onto and through the west 37.5 feet of Tract B, all in the Meyers Gardens Addition. This must be provided prior to VAC2014-00032 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

(5) All improvements shall be according to City Standards and at the applicant's expense.

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

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

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

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

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

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

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

REASON FOR REQUEST: Building expansion

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

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

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

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 16, 2014, which was at least 20 days prior to this public hearing.

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2. That no private rights will be injured or endangered by vacating the described portion of the platted setback, and that the public will suffer no loss or inconvenience thereby.

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

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

(1) Vacate the east 20 feet of the platted 40-foot front yard setback that runs parallel to the west property line of Lot 1, Block A, Millbrook Estates Addition and Cedar Crest Road. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.

(3) All improvements shall be according to City Standards and at the applicant's expense.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Vacate the east 20 feet of the platted 40-foot front yard setback that runs parallel to the west property line of Lot 1, Block A, Millbrook Estates Addition and Cedar Crest Road. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.

(3) All improvements shall be according to City Standards and at the applicant's expense.

(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all

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

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

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

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

APPLICANT/AGENT: Bradley Fair One, LLC, c/o George Laham II (applicant) MKEC Engineering, Inc., c/o Brian Lindebak (agent)

LEGAL DESCRIPTION: Generally described as vacating those easements as shown on the attached exhibits all located in either Lots 2 or 5, all in Block 1, the Bradley Fair Addition, and Lot 2, Block 1, the Bradley Fair 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the southeast corner of 21st Street North and Rock Road (WCC II)

REASON FOR REQUEST: Future development

CURRENT ZONING: The subject site and all abutting and adjacent properties are zoned LC Limited Commercial. The subject site is subject to the overlay provisions of the Community Unit Plan CUP DP-191.

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

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

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 16, 2014, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portions of the platted utility easement, a platted wall easement, a platted setback, and two utility easements dedicated by separate instruments, and that the public will suffer no loss or inconvenience thereby.

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

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

(1) Provide copies of the approved Hold Harmless agreements for the VAC2014-00034 case file.

(2) Provide a copy of the recorded utility easements dedicated by separate instruments; FLM-2617/PG-2352 and FLM-1684/PG-1394. This must be provided before the vacation case proceeds to the MAPC.

(3) Private public water project #1848 PPW for the water line and fire hydrant and Private public water project #2212PPS for the sewer must be approved before VAC2014-00034 proceeds to the City Council for final action. All improvements shall be according to City Standards and at the applicant's expense. Any relocation or reconstruction of any and all utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has facilities in the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320.

(4) Provide a legal description of the vacated easements, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(5) Provide any needed easements, with original signatures, prior to VAC2014-00034 proceeds to City Council for final action.

(6) As needed provide a revised copy of CUP DP-191.

DRAFT

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Provide copies of the approved Hold Harmless agreements for the VAC2014-00034 case file.

(2) Provide a copy of the recorded utility easements dedicated by separate instruments; FLM-2617/PG-2352 and FLM-1684/PG-1394. This must be provided before the vacation case proceeds to the MAPC.

(3) Private public water project #1848 PPW for the water line and fire hydrant and Private public water project #2212PPS for the sewer must be approved before VAC2014-00034 proceeds to the City Council for final action. All improvements shall be according to City Standards and at the applicant's expense. Any relocation or reconstruction of any and all utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has facilities in the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320.

(4) Provide a legal description of the vacated easements, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(5) Provide any needed easements, with original signatures, prior to VAC2014-00034 proceeds to City Council for final action.

(6) As needed provide a revised copy of CUP DP-191.

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

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

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

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

APPLICANT/AGENT: Underground Vaults & Storage (applicant) KE Miller Engineering, PA, c/o Kirk Miller (agent)

LEGAL DESCRIPTION: Generally described as vacating the west half of the platted 20-foot wide alley abutting Lot 6 (north side) and Lot 8 (south side), all in Block A, the west side of a platted Railroad right-of-way, all in the Santa Fe Industrial District Addition, and the east side of St. Francis Avenue, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 33rd Street North on the east side of St Francis Avenue (WCC VI)

REASON FOR REQUEST: Future development

CURRENT ZONING: The subject site is platted alley right-of-way. All abutting and adjacent properties are zoned GI General Industrial

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

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

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

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 16, 2014, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portion of the platted alley, and that the public will suffer no loss or inconvenience thereby.

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

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

(1) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the alley right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser's Office.

(2) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(3) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.

(4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has facilities near the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the alley right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser's Office.

(2) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(3) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.

(4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has facilities near the area. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320

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

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

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

PUBLIC HEARINGS

4. **Case No.: ZON2014-00024** - Betzen Family Trust & Quiktrip West, Inc., (owners/applicants) / MKEC c/o Brian Lindebak (agent) request a City zone change from GO General Office and B Multi family to GC General Commercial on property described as:

Lots 54, 56, and Lot 52, EXCEPT the south 15 feet of said Lot 52, on Topeka Avenue, J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas,
TOGETHER WITH
The north 25 feet of Lot 48, all of Lot 50, and the south half of Lot 52, on Topeka Avenue, J.P. Hilton's Addition to Wichita, Sedgwick County, Kansas.

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

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

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

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: The site is proposed to have: two drives onto Broadway Avenue (old US Highway 81), a paved two-way, four-lane arterial, and a drive onto Murdock Avenue, a paved two-way, four lane arterial with a center turn lane, and two drives onto Topeka Avenue, a paved one-way south, two-lane arterial. The current QT has one drive each onto Broadway and Murdock Avenues. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The GC zoning district is not compatible with the urban residential category. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC District is generally compatible with the "regional commercial" designation of the Wichita-Sedgwick County Comprehensive Plan. A 24-hour, seven days a week convenience store with multiple gas pumps is first permitted in the LC zoning district, which is a more restrictive commercial zoning district than the requested GC zoning. The LC zoning district is generally compatible with the "local Commercial" or regional commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

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

The subject sites are located in the Center City Neighborhood Plan, which was adopted in February 2000. The Plan does note that the more recent developments along Broadway Avenue, including the west adjacent QT, have been automobile oriented. The Plan also notes that commercial/retail development is a high priority. The redevelopment and expansion of the QT (via the company's newest

building style and layout) onto the subject site may provide an improvement to the visual impact of the area as well as providing improved access into and out of the QT site.

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

This recommendation is based on the following findings:

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

(2) **The suitability of the subject property for the uses to which it has been restricted:** The B and GO zoned subject properties could be developed for residential uses, as well as office and medical services, which would not be out of character with the area. The current zoning does not allow retail or a convenience store which would prevent the redevelopment and expansion of the QT property.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested GC zoning would allow for the redevelopment and expansion of a use (QT convenience store) that has been in the area since at least 1989. The requested zoning, creates a larger QT site that would allow for easier access in and out of the site, as well as improve internal circulation and parking. This proposed redevelopment has perhaps the City's largest medical complex (Via Christi-St. Francis) as a neighbor which generates substantial vehicular traffic through the area and which does use and would continue to use the QT facility. Police would need to address the neighbor's concerns about an increase in of vagrants in the area and their impact on their adjacent apartments as a result of a larger QT.

(4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would allow a larger site for the QT which would allow for easier access in and out of the site, as well as improve internal circulation and parking. The current site is tight with no access onto Topeka Avenue. The two drives onto Topeka Avenue offer two more points of access in and out of the current site. Access onto the

current site is a drive onto Murdock Avenue and another onto Broadway Avenue. The proposed drives onto Topeka Avenue relieves vehicular pressure on the Broadway and Murdock Avenue drives. Denial of the request could impose a financial hardship on the owner.

(5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The GC zoning district is not compatible with the urban residential category. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC District is generally compatible with the "regional commercial" designation of the Wichita-Sedgwick County Comprehensive Plan. A 24-hour, seven days a week convenience store with multiple gas pumps is first permitted in the LC zoning district, which is a more restrictive commercial zoning district than the requested GC zoning. The LC zoning district is generally compatible with the "local commercial" or regional commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

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

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

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

BILL LONGENCKER, Planning Staff presented the Staff Report.

FOSTER mentioned pedestrian traffic and that this was an anchor and very important commercial use for a lot of neighbors in the area. He mentioned work he has done in other parts of the State where pedestrian planning is required for commercial sites to provide pedestrian access to buildings. He asked about convenient pedestrian access from the parking lot on this project.

LONGNECKER commented that nothing special has been done regarding pedestrian traffic. He said the only discussion about pedestrian traffic he has heard was at the DAB VI meeting where there was discussion about vagrants congregating at the site and using the alley. He said there was also discussion

regarding the bike lanes along Topeka Avenue. He said those comments were passed on to the Traffic Engineer and bicycle Planner, Scott Wadle.

FOSTER said sometimes the screening requirements of the Landscape Ordinance get in the way of pedestrian access.

LONGNECKER commented that the applicant and agent were present with an exhibit of the site plan and could address any specific concerns.

MCKAY asked if the City required sidewalks on both sides of the street.

MILLER said sidewalks are required on all arterial streets. He said painted pedestrian access is also required within CUPs; however, the Code does not require either of those for single user sites. He asked Commissioner Foster if he was looking for some form of painted walkway through the parking lot to the building as a condition of approval.

FOSTER said he wanted some safe type of pedestrian access to the building.

BRIAN LINDEBAK, MKEC, 411 NORTH WEBB ROAD, AGENT FOR THE APPLICANT introduced Truitt Priddy, Real Estate Project Manager for QuikTrip.

TRUITT PRIDDY, REAL ESTATE PROJECT MANAGER, QUIKTRIP said they planned on providing pedestrian access on the north side of the property through the landscape buffer. He said the access will be stripped and in accordance with requirements of the American's with Disabilities Act. He said there will also be access on the other side of the store. He asked if the Commission had something else in mind.

LINDEBAK added that sidewalks are planned for the entire perimeter of the store.

FOSTER asked about the location of the bicycle path.

PRIDDY indicated that the bike path will be on the East side of the store along Topeka Avenue.

PAUL GUNZELMAN, ASSISTANT CITY ENGINEER said there will be a parking area adjacent to the curb line, a two and one half-foot buffer area and a five-foot bike lane on the west side of Topeka Avenue.

MOTION: To approve subject to the staff recommendation.

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

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5. **Case No.: CUP2014-00032 and ZON2014-00025** - Amidon 1 LLC andMarket Parking, Inc (Mike Boyd) / MKEC Engineering, Inc. request a City zone change from SF-5 Single family Residential and GO General Office to LC Limited Commercial, and from LC Limited Commercial to GC General Commercial and City CUP Community Unit Plan Amendment to DP-7 to create new parcels and amend development provisions, on property described as:

DRAFT

Parcel 1:
Lots 1 and 2, Block A, in Sweetbriar Addition and Replat of Part of Benjamin Hills Second Addition, Wichita, Sedgwick County, Kansas

Parcel 2:
The South 180 feet of the East 170 feet of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 6, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the East 40 feet and the South 50 feet for street.

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

A number of changes are proposed to the CUP:

1) The applicant proposes to add .29 acre to the overall area of the CUP, giving the CUP a total area of 19.04 acres. The added acreage is located primarily in proposed Parcel 1 that is located in the southeast corner of the CUP, currently contains a "loan or cash for title" establishment and is unplatted. The property on which the "loan or cash for title" establishment is located was not included within the boundary of the original CUP.

2) The proposed CUP is to be divided into 12 parcels instead of five. Parcel 1 of the existing CUP contains 15.19 acres, and is proposed to be divided into eight other parcels varying in size from 4.54 acres to .34 acre.

3) Uses proposed to be allowed in all parcels except Parcel 10 include all uses permitted by right in the LC zoning district except for: adult entertainment establishment, cemetery, convalescent care facility, single-family residential, group home, recycling processing center, reverse vending machine, utility, construction sales and service, nightclub in the city, vehicle repair limited and general, asphalt or concrete plant.

4) Proposed Parcel 4B, which currently contains Sutherlands Building Materials, is proposed to be rezoned from LC to GC to permit a larger area for outdoor storage of materials and equipment than is allowed in the LC zoning district. Parcel 4B is proposed to permit "construction sales and service" and the outdoor storage of materials and equipment ordinarily associated with construction and sales services activities, and also home improvement stores, and all uses permitted in Parcels 4A and 4C. Material and equipment stored outside shall be screened from view from public streets. The outdoor storage of heavy equipment (such as front end loaders, tractors, backhoes, bobcats, trenchers, etc.) typically associated with construction sales and service activities as well as the outdoor storage of unpackaged rock, soil, gravel or sand or similar raw materials is prohibited.

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines "construction sales and service" as an establishment engaged in the retail or wholesale of materials used in the construction and or maintenance of buildings or other structures and or grounds, as well as the outdoor storage of

construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers or lawn and garden supply stores. (UZC, Article II, Section II-B.3.n)

5) It is proposed to rezone from SF-5 to LC the 121 feet by 251 feet of the westernmost portion of proposed Parcel 9, currently used for parking.

6) Proposed Parcel 10, developed with self-storage warehouses, is to be rezoned from GO to LC. Uses proposed for Parcel 10 include: self-service warehouse, general office, parking and two-family residential or multi-family residential dwelling units.

7) Building setbacks are proposed to be 35 feet along 21st Street West and North Amidon Avenue (General Provision 7). Currently DP-7's setbacks along 21st Street West and North Amidon vary between 35 feet and 100 feet. The UZC requires all main buildings or structures to be set back at least 35 feet from all street right-of-way lines or alleys (UZC, Article III, Section III-C.2.b(2)(a)1)). Fifteen-foot setbacks are shown along the northern and western property lines except for one section that has a 25-foot setback. (The applicant is advised that the building code or the fire code may require greater separation than 15 feet and those codes supersede

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

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

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

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

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

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

ADJACENT ZONING AND LAND USE:

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

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

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide Map indicates the site is appropriate for "local commercial" uses. The "local commercial" category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends approval of the zone changes and amendments to CUP DP-7 subject to completing the replat of the application area and the development guidelines and graphics depicted on the face of the proposed CUP and the following conditions:

A. The applicant shall record a document with the Register of Deeds indicating that this tract (referenced as CUP DP-7) includes special conditions for development on this property.
B. Unless specifically modified, the development shall comply with all applicable ordinances, regulations or codes, including but not limited to zoning, fire, building and sanitation.
C. The applicant shall submit four final copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

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

2. The suitability of the subject property for the uses to which it has been restricted: The Sweetbriar Gardens Commercial CUP DP-7 and its LC zoning was established in June of 1965. The site could continue to be economically viable as currently zoned; however, the proposed zone

changes and CUP amendments address existing tenant needs (larger outside storage and display) or clean up potential zoning issues (self-service warehouses in GO zoning and commercial parking on SF-5 zoned property).

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zoning for the site was approved in 1965 and has been operating as a commercial center since that time. The proposed zone changes and CUP amendments address existing tenant needs (larger outside storage and display), clean up potential zoning issues (commercial parking on SF-5 zoned property), provide the center with uniform commercial zoning (GO and SF-5 zoned portions rezoned to LC) and the creation of additional parcels, which creates additional development sites. The requested changes should not detrimentally impact nearby property owners to any greater extent than the existing development.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to the existing center's long term economic opportunity. Denial would presumably represent a loss in economic opportunity.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide Map indicates the site is appropriate for "local commercial" uses. The "local commercial" category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The uses currently located and/or allowed by the proposed CUP meet the plan's designation.

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

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to the staff recommendation.

DENNIS moved, **RAMSEY** seconded the motion, and it carried (10-0).

NON-PUBLIC HEARING ITEMS

6. Case No.: Wichita Multi-Modal Accommodation Policy and Street Design Guidance.

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

Background: On April 16, 2013, the City Council approved a Wichita Bicycle and Pedestrian Projects Memorandum of Understanding (MOU) between the YMCA, acting as the fiscal agent for the Health and Wellness Coalition of Wichita, and the City. The MOU's purpose is to support projects that make it easier, safer, and more convenient for people to walk and bike within the City. The projects identified in the MOU included the creation of street design guidance; and policy to help ensure that roadway improvements are designed to increase safety and improve accessibility of all transportation network users.

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

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

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

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

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

Street Design Guidelines – this information will help provide guidance for the design of public streets, within the street rights-of-way (established by the subdivision process). This guidance can help provide greater levels of predictability and layout options for multi-modal design of Wichita streets. This product combines information from multiple documents into one single reference document, and the guidance includes recommendations for different features (i.e. travel lanes, turn lanes, sidewalks, bike lanes, paths, sidewalks, etc.) – each according to different contexts (i.e. urban core, general urban, suburban).

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

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

the policy should be implemented and the financial impacts assessed on an individual project basis.

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

Attachments:

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

SCOTT WADLE, Planning Staff presented the Staff Report.

WARREN asked if there was any community involvement in the Multi-Modal Committee or was it just staff members.

WADLE said the Committee consisted of senior staff from Transit, Street Maintenance, Engineering and Planning; however, he added that citizen involvement will be provided through the Capital Improvement Program process, project proposal process and District Advisory Board (DAB) review.

WARREN asked when in the process the Committee would be meeting.

WADLE said he believes after Street Maintenance has developed their annual work program for the year and after CIP projects have been identified. He said staff hopes to do pedestrian and bicycle enhancements at the same time. He said any projects selected would go through the regular citizen engagement process to DAB's and City Council. He also mentioned the design process and authorization of new construction.

DIRECTOR SCHLEGEL mentioned that typically Public Works takes the design for new construction or reconfiguration of an existing street to public meetings in addition to DAB meetings.

FOSTER mentioned the guidelines and particularly the design tree which he thought was elaborate. He said whoever was looking at that could get lost and not figure it out. He asked if staff anticipated that engineers in charge of projects are going to be able to work through that labyrinth to see what is wanted for the project or is staff going to assist them.

WADLE commented on the complexity of balancing providing robust knowledge in the document and making it easily accessible. He mentioned that the flow diagram was staff's best attempt at accommodating both of those areas. He said when a project is endorsed by City Council there will be staff and consultant training. He said routinely staff has contact with consultants during projects.

MCKAY asked for clarification of the membership of the Multi-Modal Committee. He also asked how the Plan will change the existing design criteria for streets.

PAUL GUNZELMAN, CITY ENGINEER, PUBLIC WORKS said this should not affect current street design guidelines. He mentioned that staff has already implemented some of the suggestions in

the Policy on Requests for Proposal (RFP's) such as with 27th Street between 13th and 21st Streets. He said the scope of services included review of the Master Bicycle Plan and review of this Policy as well. He said they will make review of both documents typical language in future RFP's. He said once consultants are hired, staff and the consultant usually do a concept study and that is when ideas are presented to the neighborhoods and DAB's. He said the City then enters into a supplemental agreement for final design once the details have been ironed out through the concept study.

MIKE BARUSHOK, 354 N. GREEN STREET said he was on the WAMPO Long Range Transportation Planning Committee where he represents the pedestrian and bicycle community. He added that he was a founding board member of Bike/Walk Wichita. He said he was in favor of recommending endorsement of the Policy by the City Council. He said the policy is fairly weak, there is a whole lot more than could be done; however, he said it is good to have in writing some of the things that are being implemented. He said this policy could have avoided issues in the past where street construction projects undid previous accommodations for walkers and bikers. He said he hopes this policy addresses accommodation of alternate modes of transportation while construction projects are on-going. He said there has been very little accommodation of alternative modes of transportation such as walkers, wheel chairs and bicyclists in the past.

DENNIS commented that when the Policy was reviewed by the Advance Plans Committee disruption of pedestrian walkways during construction was not discussed or taken into account.

GUNZELMAN acknowledged that accommodations for alternative modes of transportation during construction were not within the Policy; however, staff understands what Mr. Barushok was talking about. He said that issue is usually addressed by Public Works prior to beginning construction projects through traffic control plans.

DENNIS said he believes the speaker has a valid point, and he does not believe the plan is complete without some type of accommodation. He asked why that wasn't included in the Policy.

WADLE said the issue is addressed in the Bicycle Master Plan. He said Public Works has a process that they do with each construction project that identifies alternative routes for transportation, mostly for motorized vehicles; however, staff is working on addressing walkers, bikers and transit users.

GUNZELMAN said the issue will be addressed on a case-by-case basis. He said staff will try to figure out how that can be incorporated into the Policy during design plans.

GOOLSBY suggested making that accommodation part of the Traffic Control Plan or adding a sentence to the Policy.

MCKAY asked if the Planning Commission was allowed to amend the Plan.

WADLE responded yes, the Policy could be amended as part of the Commission's recommendation to the City Council.

DENNIS suggested that the Policy be amended to include administrative review of all construction projects on a case-by-case basis to insure that all forms of transportation are considered during construction.

MOTION: Recommend endorsement of the revised Multi-Modal Accommodation Policy and Street Design Guidance, October 2014 by the City Council with administrative review of plans on a case-by-case basis to insure that all forms of transportation are accounted for.

DENNIS moved, **RAMSEY** seconded the motion and it carried (10-0).

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 2:13 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____day of _____, 2014.

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

(SEAL)

DRAFT

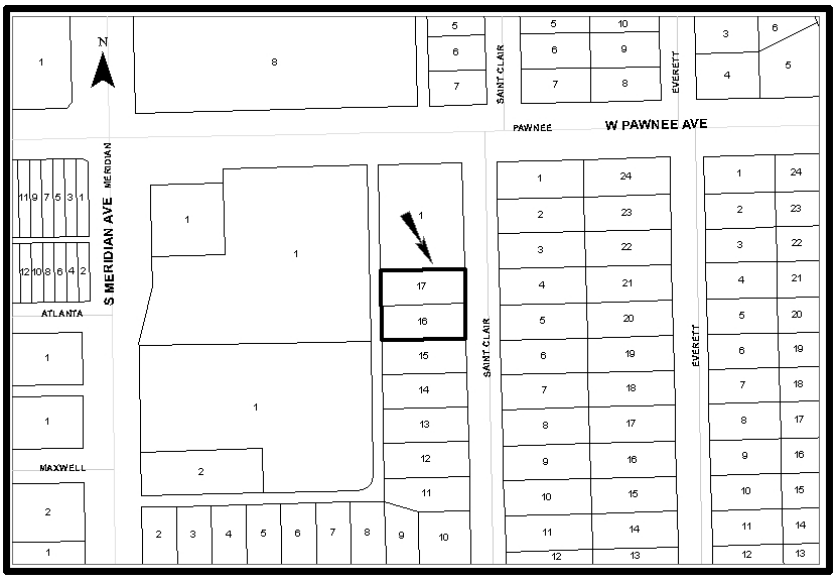
WICHITA-SEDGWICK COUNTY **AGENDA ITEM NO. 2-1**
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: **December 4, 2014**

TO: **Metropolitan Area Planning Commission**

FROM: **Neil Strahl**

SUBJECT: **LSP2014-00022 Southwest Village 1st Addition Lot Split**
Modification of Lot Width-to-Depth Ratio



This proposed lot split is for property zoned B Multi-Family Residential. It encompasses the split of two lots into three lots for multi-family structures. The maximum lot width-to-depth ratio of 2.5 to 1 for residential lots is exceeded by each of the lots and a modification needs to be approved by MAPC.

The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

Westar Energy currently has equipment on these lots. Any relocation or removal of any existing equipment made necessary by this lot split will be at the applicant's expense. Lee Sailsbury is the Construction Services Representative for the southwest area and can be contacted at (316) 261-6859.

County Surveying advises that the lot split needs revised to meet the “Kansas Minimum Standards for Boundary Surveys”. The legal description needs corrected for Tract B, to “LOT 17 EXCEPT THE NORTH 40 FEET THEREOF…” The legal description needs corrected for Tract C, to “THE SOUTH 40 FEET OF LOT 16, BLOCK 1…”

METROPOLITAN AREA PLANNING COMMISSION **AGENDA ITEM NO. 2-2**
DECEMBER 4, 2014

STAFF REPORT

CASE NUMBER: **SUB 2011-00049 – MIKE STEVEN MOTORS 2ND ADDITION**

OWNER/APPLICANT: Nevets, Inc, Attn: Harold Johnson, P.O. Box 789762, Wichita, KS 67278

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

LOCATION: West of Rock Road, South side of Kellogg **(**District II)

SITE SIZE: 8.9 acres

NUMBER OF LOTS

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

MINIMUM LOT AREA: 8.9 acres

CURRENT ZONING: SF-5 Single-family Residential, GC General Commercial, LC Limited Commercial

PROPOSED ZONING: LC Limited Commercial, GC General Commercial

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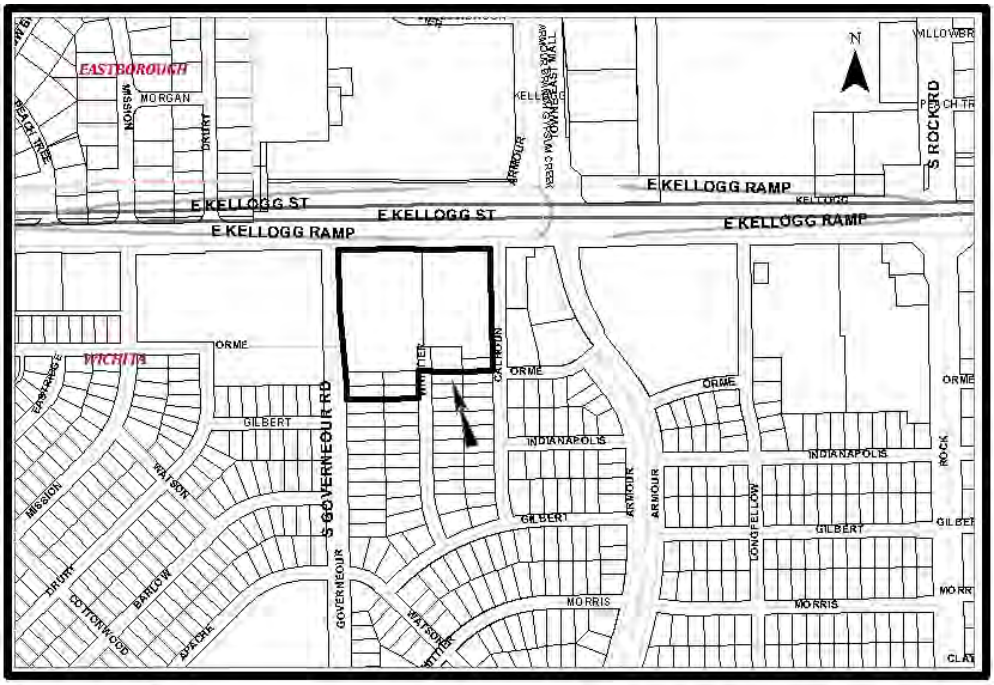
VICINITY MAP



NOTE: This is a replat of Mike Stevens Motors Addition to incorporate a portion of the Keys 2nd Addition. A portion of Whittier Road has also been vacated. A portion of the site has been approved for a zone change (ZON2011-00018) from SF-5 Single-Family Residential to LC Limited Commercial. This site is also subject to the Mike Steven Motors CUP (CUP2011-00017), DP-308).

This revised plat includes additional platted property to the south that has been approved for a zone change (ZON2014-00022) from SF-5 Single-Family Residential to LC Limited Commercial. An amendment to the CUP (CUP2014-00026, DP-308) was also approved to add Parcel 4 for employee parking.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer. Termination and removal of unused water services will be required. A restrictive covenant or Engineer's Certification is needed for the abandonment of the 8-inch water line from South Whittier Road West to the 8-inch fire service on Governeour Road.

B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

C. City Stormwater Management has approved the drainage plan.

D. County Surveying requests a copy of closure calculations for the outer boundary.

E. Traffic Engineering has approved the access controls. The plat proposes two openings along Governeour Road and three openings along Calhoun Drive. In accordance with the CUP Amendment (CUP2014-00026), complete access control has been denoted along Whittier Road.

F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.

G. City Fire Department has required an emergency access easement extending from Whittier Road to Governeour. The easement shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City Fire Department standards.

H. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

I. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.

J. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

Q. Perimeter closure computations shall be submitted with the final plat tracing.

R. Westar Energy has requested additional utility easements to be platted on this property. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. LaDonna Vanderford is the Construction Services Representative for the southeast area and can be contacted at (316) 261-6490.

S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-1
December 4, 2014

STAFF REPORT

CASE NUMBER: **VAC2014-00039** - City request to vacate platted public street right-of-ways

APPLICANTS: El Paso LLC, c/o Jesse Froh (applicant)

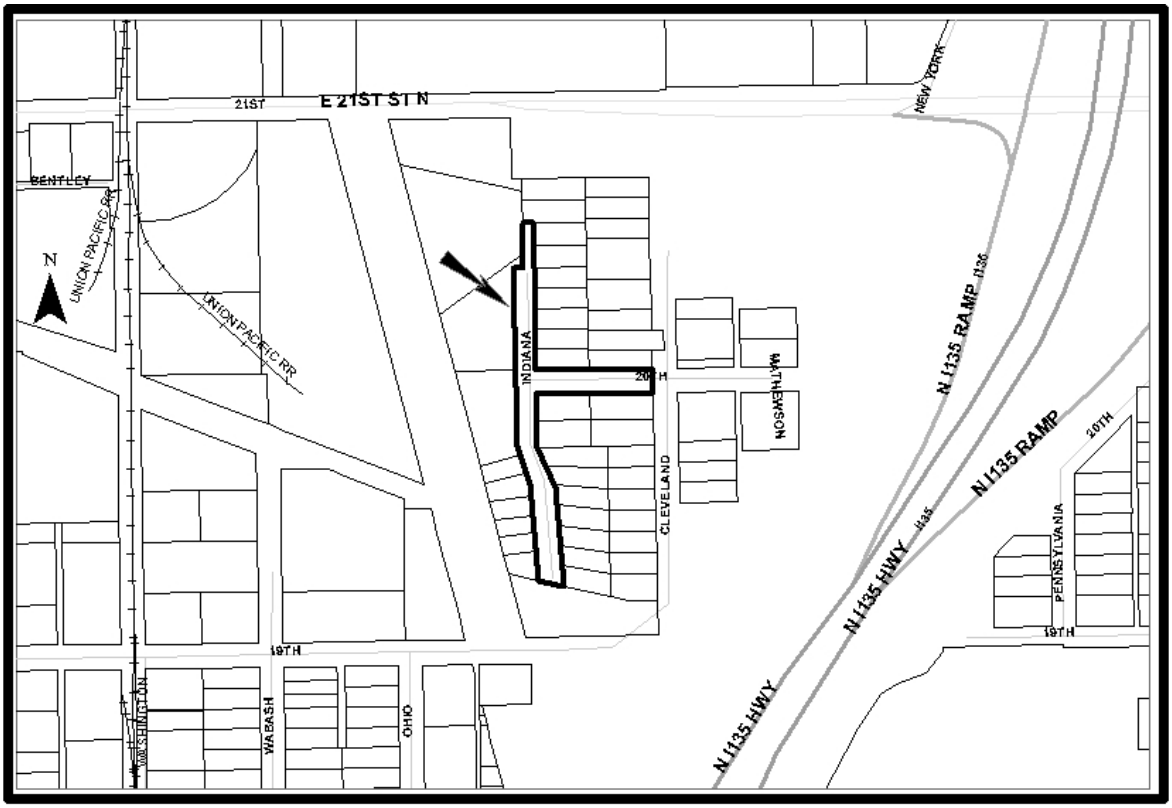
LEGAL DESCRIPTION: Generally described as vacating that portion of the platted 50-foot wide 20th Street North right-of-way that is located between Cleveland Avenue (east side) and Indiana Avenue (west side), the south portion of the platted 50-60-foot wide Indiana Avenue right-of-way located south of 20th Street North to the north side of Reserve A, Strodes Addition , and the north portion of the platted 25-50-foot wide Indiana Avenue right-of-way located north of 20th Street North, in line with the common lot line of Lots 2 & 3, Julia Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between 19th and 21st Streets North, west of I-35, between Cleveland Avenue and a drainage channel (WCC #VI)

REASON FOR REQUEST: Applicant owns all abutting properties and wants to control illegal dumping

CURRENT ZONING: The sites are public street right-of-ways. All abutting and adjacent properties are zoned LI Limited Industrial

VICINITY MAP:



The applicants propose to vacate the described portions of the 20th Street North and Indiana Avenue platted street right-of-ways. This portion of 20th Street North is a short (287.3 feet long) 50-foot wide, paved, two-lane street that connects Cleveland Avenue (east side) and Indiana Avenue (west side). Indiana Avenue is a mostly paved two-lane street that dead-ends as a 60-foot wide right-of-way against Reserve A, Strodes Addition on its south end and dead-ends as a 25-foot wide right-of-way on its north end against the City of Wichita's right-of-way for the 21st Street North – I-135 interchange. Indiana Street's 25-foot width on its north-most portion was the result of previous vacation of its west half; Vacation Ordinance #288-920. The applicant owns all of the abutting properties. The proposed vacation does not deny access to public streets for any abutting or adjacent properties. There are no public utilities located within the 20th Street North and Indiana Avenue platted street right-of-ways. Westar has existing equipment in the area. Conditions #1 and # 2 will cover Westar but only if that is something Westar can do. Becky Thompson is the is Construction Services Representative for the NE Area and can be contacted at (316) 261-6320

All of Cleveland Avenue and most of Indian Street were platted on the Walnut Grove 3rd Addition, which was recorded October 2, 1953. The remaining north portion of Indiana Street was platted on the Julia Addition, which was recorded March 10, 1956.

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

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 November 13, 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 street right of-ways 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) Dedicate any needed easements for utilities. These original dedications must be provided to Planning prior to the case going to the City Council and subsequent recording with the Register of Deeds. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.

(2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants, at the applicants' expense and shall be to City Standards. Provide any needed plans for review and approval to all utilities as needed. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to the City Council and subsequent recording with the Register of Deeds. Contact Becky Thompson, the Westar

Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.

(3) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the city Council and subsequent recording with the Register of Deeds.

(4) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Dedicate any needed easements for utilities. These original dedications must be provided to Planning prior to the case going to the City Council and subsequent recording with the Register of Deeds. Contact Becky Thompson, the Westar Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.

(2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants, at the applicants' expense and shall be to City Standards. Provide any needed plans for review and approval to all utilities as needed. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to the City Council and subsequent recording with the Register of Deeds. Contact Becky Thompson, the Westar Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.

(3) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the city Council and subsequent recording with the Register of Deeds.

(4) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.

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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3-2
December 4, 2014

STAFF REPORT

CASE NUMBER: **VAC2014-00040 -** City request to vacate a platted sewer easement

OWNER/AGENT: USD 259, c/o Shane Schumacher (owner/applicant) Baughman Co., PA, c/o Russ Ewy (agent)

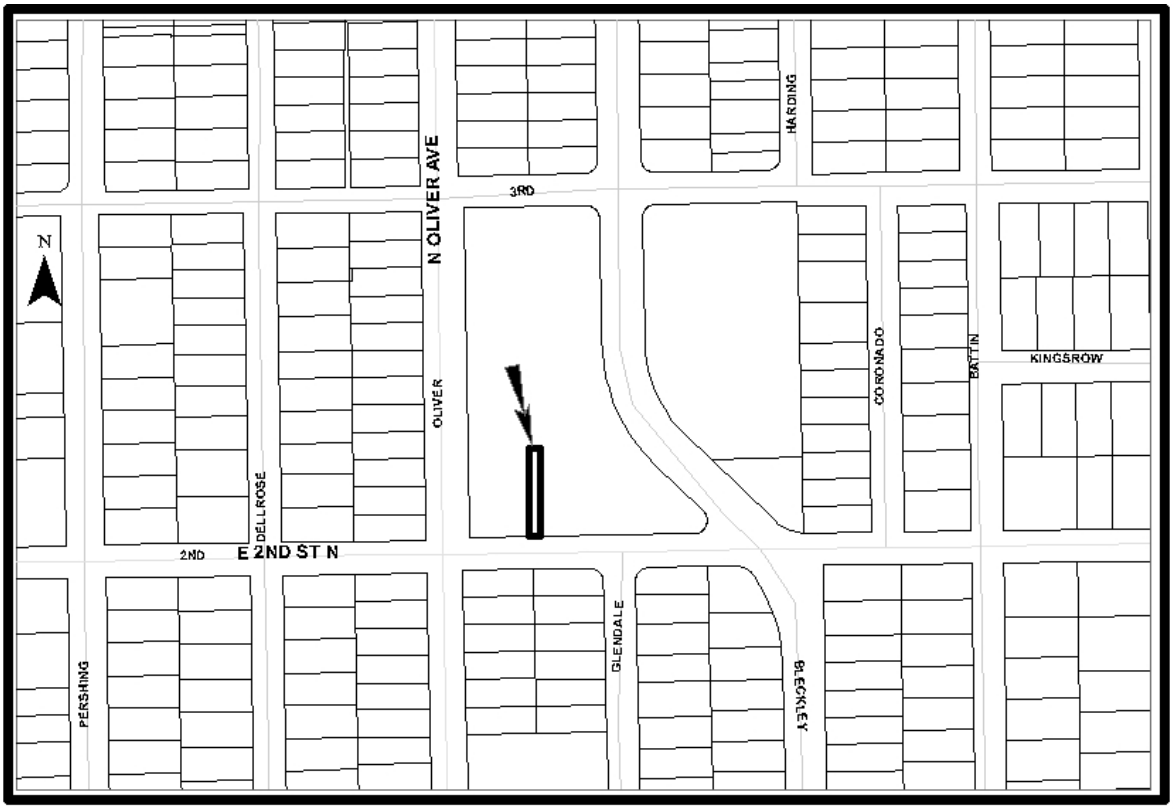
LEGAL DESCRIPTION: Generally described as vacating the platted north-south 20-foot sewer easement located approximately in the middle of the south end of Lot 1, Block A, Robinson Junior High Addition, Wichita, Sedgwick County, Kansas (see attached legal description)

LOCATION: Generally located south of Central Avenue on the east side of Oliver Avenue & on the north side of 2nd Street (WCC # I)

REASON FOR REQUEST: Expansion of school facilities

CURRENT ZONING: The site is zoned B Multi-Family Residential and SF-5 Single-Family Residential. Adjacent west properties (across Oliver Avenue) are zoned TF-3 Two-Family Residential. Adjacent south properties (across 2nd Street) are zoned B and SF-5. Adjacent east properties (across Bleckley Drive) are zoned SF-5. Adjacent north properties (across 3rd Street) are zoned B and MF-29 Multi-Family Residential.

VICINITY MAP:



The applicant proposes to vacate the described portion of the platted north-south 20-foot wide sewer easement located in Lot 1, Block A, Robinson Junior High Addition. There is a manhole, sewer line and stormwater located in the subject sewer easement. Westar has a guy wire in the easement and a portion of the easement will be retained to cover the guy wire; Condition #1 will cover Westar. Becky Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320. The Robinson Junior High Addition was recorded with the Register of Deeds April 14, 1978.

Note: As shown on the applicant's exhibit, a previous vacation of the east-west portion of the platted sewer easement, VAC2002-00044, was approved October 7, 2003, by the Wichita City Council. Conditions of approval included relocation/abandonment of a sewer line, dedication by separate instruments for sanitary sewer easements, and a contingent dedication for sidewalks and utilities. The current request removes the remaining portion of the platted sewer easement, as platted on the Robinson Junior High Addition.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted 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 November 13, 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 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) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) of the public sewer line, sewer manhole and stormwater utilities 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/stormwater plan number for the abandonment /relocation of public sewer line, sewer manhole and stormwater utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) Contact Becky Thompson, the Westar Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.

(3) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.

(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) of the public sewer line, sewer manhole and stormwater utilities 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/stormwater plan number for the abandonment /relocation of public sewer line, sewer manhole and stormwater utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) Contact Becky Thompson, the Westar Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.

(3) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.

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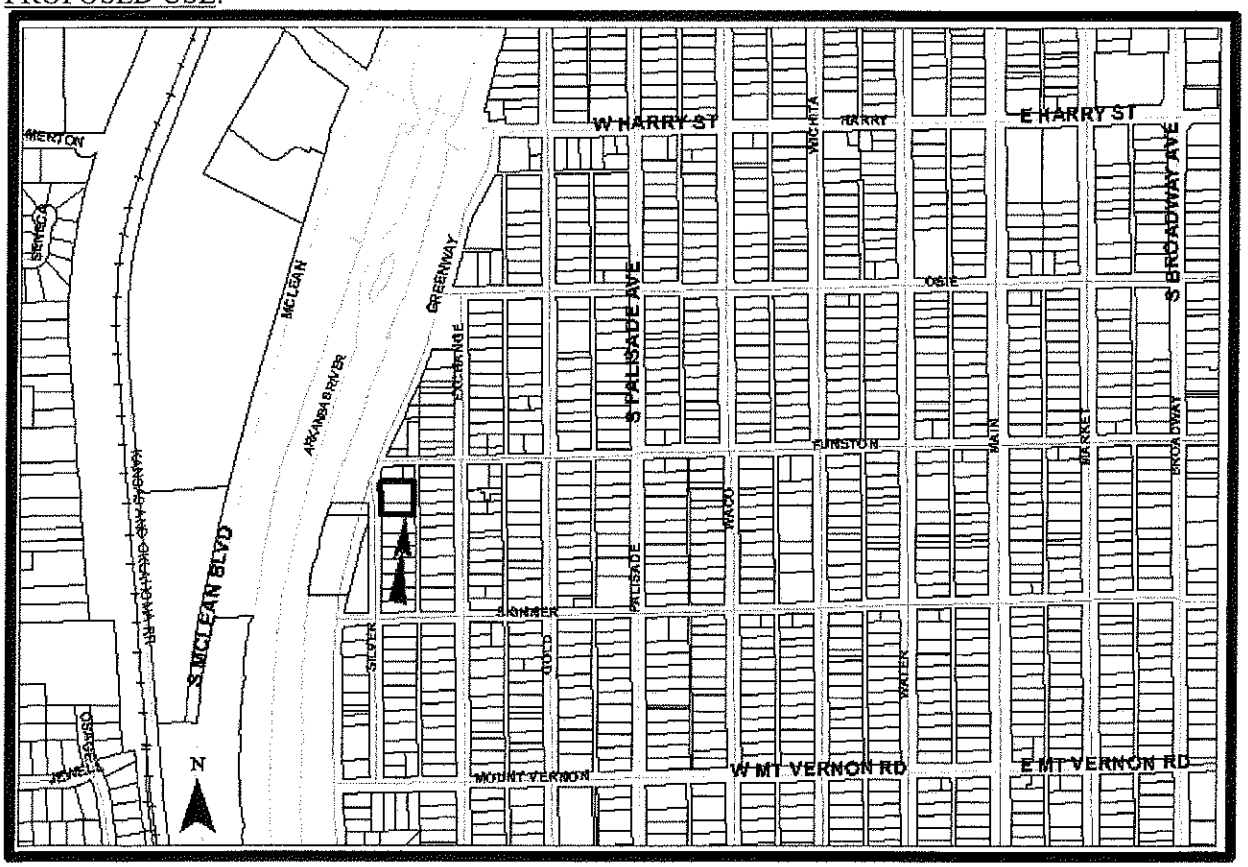
WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT
DAB III 12-3-2014
MAPC 12-4-2014

CASE NUMBER:	ZON2014-00029
APPLICANT/AGENT:	Rick Hopper
REQUEST:	MF-18 Multi-family Residential
CURRENT ZONING:	SF-5 Single-family
SITE SIZE:	.436 acre (approximately 18,900 square feet)
LOCATION:	100 feet south of West Funston Street, east of South Silver Street; two and one-quarter blocks south of West Harry Street, east of the Arkansas River (1814 and 1816 South Silver Street)

PROPOSED USE:



BACKGROUND: The applicant is requesting MF-18 Multi-Family Residential (MF-18) zoning on .436 acre. The site is located 100 feet south of West Funston Street, east of South Silver Street (two and one-quarter blocks south of West Harry Street, east of the Arkansas River), and is addressed as 1814 and 1816 South Silver Street. At the subject site, South Silver Street intersects with South Greenway Boulevard, a paved two-lane local street. The subject site is currently zoned SF-5 Single-Family Residential (SF-5), and is developed with two single-family residences and some accessory structures. The application area contains five and one-quarter lots that are divided into two separate tax parcels, each with a single-family residence. The residences were built in 1920 and 1940. Staff does not have any information regarding the structural conditional of the homes; however, the county's appraised value for the two structures is $26,300 and $30,580. If the request is approved, the applicant's stated intention is to develop two structures containing four dwelling units apiece, which is not permitted by the site's current zoning.

The minimum lot area per dwelling unit for multi-family uses in the MF-18 zoning district is 2,500 square feet. Two four-plex structures require a lot area of 20,000 square feet. The applicant will need to obtain an administrative adjustment to the lot area requirement in order to construct two four-plex structures on the site. The maximum number of multi-family residential dwelling units that could be built by-right on the site is seven. Building setbacks in the MF-18 district are: front-25 feet; rear-20 feet; interior side-six feet. Maximum building height is 45 feet. The SF-5 district has a minimum lot area of 5,000 square feet, and the following building setbacks: front-25 feet; rear-20 feet; interior side-six feet. In the SF-5 district the minimum lot width is 50 feet while the maximum building height is 35 feet. As currently zoned, with an administrative adjustment or variance for minimum lot width, theoretically the application area could be redeveloped with three single-family residences.

Land located to the north is zoned TF-3 but is developed with two single-family residences located on two separate parcels. Land located to the northeast, across West Funston Street, is zoned TF-3 and SF-5, and is developed with single-family residences. Lots located to the east are zoned SF-5 and developed with single-family residences. Farther east, across South Exchange Place, are lots zoned TF-3; however, most of the lots are developed with single-family residences. There is a property or two located east of South Exchange Place that is developed with a duplex. Land located to the south is predominantly zoned SF-5 and developed with single-family residences.

CASE HISTORY: None identified.

ADJACENT ZONING AND LAND USE:

North: TF-3; two single-family residences
South: SF-5; single-family residences
East: SF-5; single-family residences
West: unzoned street right-of-way and the Arkansas River

PUBLIC SERVICES: The site is served by public sanitary sewer and water. Silver Street is a local two-lane sand and gravel street that has approximately 56 feet of right-of-way. South Silver Street intersects with South Greenway Boulevard west of the application area and acts as a collector street to take local traffic to points north and south since there is not any direct west bound traffic as the Arkansas River blocks direct westward traffic.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide Map, adopted in May 2005, indicates the site is appropriate for "urban residential" uses. The "urban residential" category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached

homes, duplexes, townhouses, apartments and multi-family units. "Residential locational guidelines" contained in the May 2005 update of the comprehensive plan state that medium and high-density residential uses should: 1) be allocated within walking distance of neighborhood commercial centers, parks, schools, public transportation routes, concentrations of employment, major thoroughfares and utility trunk lines; 2) have direct access to arterial or collector streets and 3) not overload or create congestion in existing and planned facilities.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that MF-18zoning be approved subject to the site being developed in conformance with applicable development standards and the submission of a no-protest agreement for the paving of South Silver Street .

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north is zoned TF-3 but is developed with two single-family residences located on two separate parcels. Land located to the northeast, across West Funston Street, is zoned TF-3 and SF-5, and is developed with single-family residences. Lots located to the east are zoned SF-5 and developed with single-family residences. Farther east, across South Exchange Place, are lots zoned TF-3; however, most of the lots are developed with single-family residences. There is a property or two located east of South Exchange Place that is developed with a duplex. Land located to the south is predominantly zoned SF-5 and developed with single-family residences. The application area is located at the junction of South Silver Street and Greenway Boulevard. Greenway Boulevard functions much like a collector street and minimizes traffic through the immediate neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5, which primarily permits by-right single-family residences and a few civic or institutional uses, such as churches or schools. Staff does not have any information on the structural condition of the existing homes; however, the county's appraised value is $26,300 and $30,580. Presumably the site could be redeveloped with single-family residences that would have the potential to provide an economic return. With an administrative adjustment or variance for minimum lot width, theoretically the application area could be redeveloped with three single-family residences.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of MF-18 zoning will introduce a more intense zoning district than the SF-5 and TF-3 districts currently found in the larger area surrounding the application area. The most common zoning in the area is SF-5 with a few TF-3 zoned lots. The usual objections to multi-family zoning center on the premise that rental property is not maintained to the same level and owner-occupied property and that rental units generate difficulties with parking and increased EMS or police calls. Staff does not have any documentation to verify those allegations.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would presumably provide the applicant with a greater economic opportunity and would add to the number of dwelling units within the community. Denial would presumably represent some loss of economic opportunity.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide Map, adopted in May 2005, indicates the site is appropriate for "urban residential" uses. The "urban residential" category reflects the full

diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, duplexes, townhouses, apartments and multi-family units. "Residential locational guidelines" contained in the May 2005 update of the comprehensive plan state that medium and high-density residential uses should: 1) be allocated within walking distance of neighborhood commercial centers, parks, schools, public transportation routes, concentrations of employment, major thoroughfares and utility trunk lines; 2) have direct access to arterial or collector streets and 3) not overload or create congestion in existing and planned facilities. The site has nearly direct access to a street that functions as a collector street. The comprehensive plan's urban residential category does not make a distinction between single-family and multi-family uses. That distinction is left up to the zoning surrounding each application area, which in this case, is SF-5 and TF-3.

6. Impact of the proposed development on community facilities: Existing facilities are in place to accommodate expected demands on city services. If approved, the requirement for a no-protest agreement for the paving of South Silver Street addresses anticipated impacts.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT
DAB VI 12-1-2014
MAPC 12-4-2014

CASE NUMBER: ZON2014-00030

APPLICANT/AGENT: Shirley A. Brown (owner); Tim Dugger (contract purchaser) / Kaw Valley Engineering (Tim Austin)

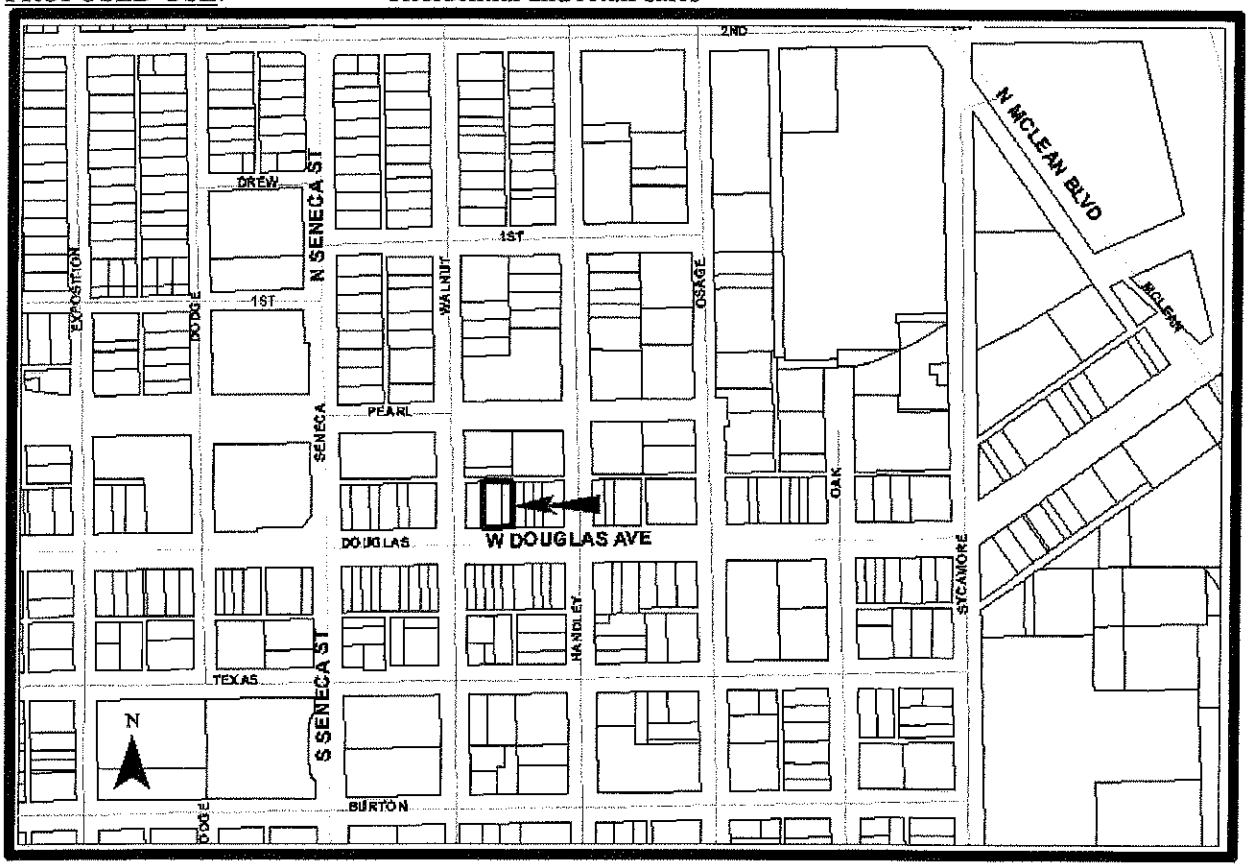
REQUEST: CBD Central Business District

CURRENT ZONING: LC Limited Commercial

SITE SIZE: Approximately 9,500 square feet

LOCATION: North side of West Douglas Avenue, approximately 75 feet east of North Walnut Street (east of North Seneca Street; 914 and 924 West Douglas)

PROPOSED USE: Residential and retail sales



BACKGROUND: The application area is approximately 9,500 square feet of Limited Commercial (LC) zoned land subject to the Delano Overlay Neighborhood District (D-O) located approximately 75 feet east of North Walnut Street, north of West Douglas Avenue. The application area is comprised of three 25-foot wide, platted lots and seventeen inches of a party wall. The site is developed with zero-lot line brick one- and two-story buildings, addressed as 914 and 924 West Douglas. The buildings cover the entire site except for an approximately 16-foot by 50-foot area whose access is provided by an alley located at the rear of the buildings. The applicant is seeking to re-develop the site with residential uses upstairs and retail uses located on the ground floor; however, the site cannot provide the minimum required number of off-street parking spaces. Therefore, the applicant is requesting Central Business District (CBD) zoning since the CBD district does not require the owner to provide off-street parking spaces.

The application area is part of the Delano District that was initially developed in the 1870's and then redeveloped in the early 1900's when there were not any requirements for property owners to provide off-street parking. Therefore, many of the uses in the Delano District do not have off-street parking, and have been supported by on-street public parking. Some of the business owners in the district have purchased additional property, and have provided off-street parking for their businesses. Rezoning the site to CBD would eliminate the code's off-street parking requirement, and would add a broader range of permitted uses to the application area.

In general terms, the LC district permits a wide range of uses – single-family, multi-family, office and retail sales uses that do not require substantial areas of outside storage and display. The CBD district permits a broader range of commercial uses than the LC district; however, the D-O district prohibits a significant range of the more intense LC and CBD by-right uses, such as: adult entertainment, correctional facilities, correctional placement facilities or off-site signage. The D-O district requires a substantial number of more intense uses to obtain "conditional use" approval even though the use may be a permitted use by the base zoning district, such as: car wash, manufacturing, warehousing or wholesale or business services.

Land located north of the application area, across an alley, is zoned LI and appears to be a warehouse that is reported to be part of Friends University's art center. The property located to the east is zoned LC. Lots located to the south, across West Douglas Avenue, are zoned LC and LI. Property located to the west is zoned LC. All surrounding property is developed with a wide range of retail sales, office, restaurant and personal service uses.

Per Article IV of the Unified Zoning Code, multi-family uses are required to provide 1.25 (one-bedroom dwelling units) to 1.75 (two bedroom dwelling units) off-street parking spaces. The number of parking spaces required for commercial uses varies with the use; however, in general, retail uses require one space per 333 square feet of building floor area.

A Metropolitan Area Planning Department parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting West Douglas Avenue, between Sycamore Street and Seneca Street, do not provide the current code required number of off-street parking spaces. The planning department analysis estimates that 5,373 off-street spaces are required; an estimated 3,989 spaces have been provided.

A similar request for CBD zoning was approved for property located one block east at the northeast corner of West Douglas Avenue and Handley Street.

CASE HISTORY: The West Wichita Addition was recorded in 1872.

ADJACENT ZONING AND LAND USE:

North: LI; warehouse
South: LC and LI; retail sales, office, personal services, restaurants
East: LC; retails sales, restaurants
West: LC; vacant retail sales building, restaurants

PUBLIC SERVICES: The site is served by all normally supplied municipal services. West Douglas Avenue has 100 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above.

RECOMMENDATION: Based upon information available at the time the staff report was prepared it is recommended that the request be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located north of the application area, across an alley, is zoned LI and appears to be a warehouse. The property located to the east is zoned LC and developed with retail and restaurant uses. Lots located to the south, across West Douglas Avenue, are zoned LC and LI and developed with retail uses, offices and restaurants. Property located to the west is zoned LC and is a vacant retail sales building and restaurants. The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were not any requirements for property owners to provide off-street parking. Therefore, many of the uses in the Delano District do not have the minimum code required off-street parking, and have been supported by public on-street parking.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, subject to the D-O Overlay, which permits a wide range of uses – single-family, multi-family, office and retail sales. Surrounding property is zoned similarly as the subject site. As currently zoned, the site could likely be put to economic use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a broader range of commercial uses; however, the D-O district prohibits a significant range of uses regardless of a site's base zoning: adult entertainment, correctional facilities, correctional placement facilities or off-site signage. The D-O district also requires a substantial number of uses to obtain "conditional use" approval even though the use may be a permitted use by the base zoning district: car wash, manufacturing, warehousing or wholesale or business services. Because of the overlay zoning district, approval of the request should not negatively impact nearby 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: Denial of the request will make redevelopment of the site much more difficult as the developer will need to find additional parking. Approval could potentially increase the poaching of existing off-street parking spaces. However, staff does not have any studies to quantify that concern. It is in the community's best interest to have existing buildings occupied.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above. The site's current zoning complies with adopted plan objectives; however, rezoning the site to CBD would make it easier to redevelop the site in a manner consistent with adopted plans.

6. Impact of the proposed development on community facilities: Existing community facilities are in place to adequately support proposed uses.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC December 4, 2014
DAB IV December 1, 2014

CASE NUMBER: CON2014-00032

APPLICANT/AGENT: Raw Investments, Inc. and Shapiro Metals (owner/applicant)
Ferris Consulting, c/o Greg Ferris (agent)

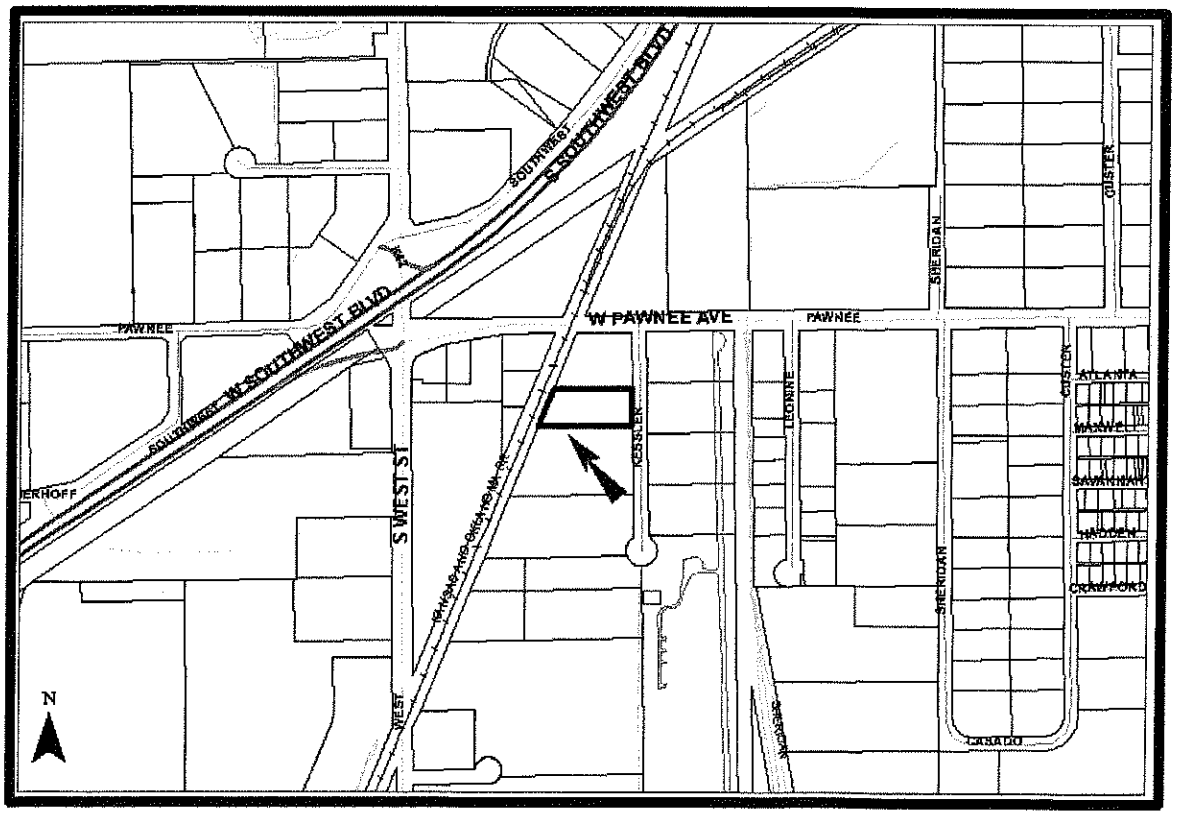
REQUEST: Wrecking and salvage

CURRENT ZONING: LI Limited Industrial

SITE SIZE: Approximately 1.76-acres

LOCATION: Generally located south of Pawnee Avenue, east of West Street, on the west side of Kessler Street

PROPOSED USE: Indoor recycling of industrial scrap metal



BACKGROUND: The applicant is proposing the indoor recycling of industrial scrap metal on the approximately 1.76-acre, LI Limited Industrial subject site; the south 180.18 feet of Lot 8, Westport Industrial Park Fourth Addition. If granted the applicant will use the site's existing 36,580-square foot building for the proposed indoor recycling of industrial scrap metal.

The definition of recyclable materials does not include industrial scrap materials; Unified Zoning Code (UZC) Art II, Sec II-B.11e. The recycling of industrial scrap metal fits into the UZC's (Art II, Sec II-B.14r.) definition of wrecking and salvage; the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials. A wrecking and salvage operation requires a Conditional Use in the LI zoning district.

The UZC's supplemental use regulations for a Conditional Use for a wreaking and salvage yard in the LI zoning district are:
(1) The site is not abutting an arterial street, expressway or freeway. *The site does not abut an arterial street, expressway of freeway. The site does have direct access onto Kessler Street, a local industrial road, which does intersect with the arterial street Pawnee Avenue, approximately 280 feet north of the site. The applicant has also stated that the site also has direct access to the west abutting railroad.*
(2) In the opinion of the Planning Commission, will not adversely affect the character of the neighborhood.
(3) The site is enclosed by a fence or wall not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence. *The walls of the 36,580-square foot building will screen the scrap metal most of the time except for the times the scrap metal will be loaded onto and off of trucks and that could be for a period of no more than eight-hours (see attached letter). The site's building has three loading docks on its south side.*

The site is located in one of the larger, mostly unbroken, concentrations of LI zoning in the City, from Kellogg Street/US 54 Highway to 47th Street South and spreading east to west from West Street; all zoning abutting and adjacent to the site is zoned LI. Development in the area around the site is mostly office-warehouse, some steel fabrication, various manufacturing facilities, equipment and materials storage yards and their offices. A private airstrip (Dead Cow airstrip) is located east of the site, across Kessler Street. Development located east of Dead Cow consists of steel fabrication businesses and office-warehouses. An active railroad track abuts the west side of the site, with an auto wrecking and salvage yard and smaller office-warehouses located west of the railroad tracks. An office-warehouse abuts the south side of the site and a paint and body shop with outdoor storage is located further south. An office-warehouse abuts the north side of the site. Further north, across Pawnee Avenue, there is undeveloped land, office-warehouses, and a meat products manufacturing plant.

CASE HISTORY: The subject property is platted as the south 180.18 feet of Lot 8, Westport Industrial Park Fourth Addition, recorded with the Register of Deeds December 29, 1977.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Office-warehouses, undeveloped land, meat products

		manufacturing plant
SOUTH:	Ll	Office-warehouse, paint and body shop with outdoor storage
EAST:	LI	Private airstrip, steel fabrication, office-warehouses
WEST:	LI	Active railroad tracks, auto wrecking and salvage shop, office-warehouses

PUBLIC SERVICES: The subject property has frontage and direct access onto Kessler Street. Kessler Street is a paved and curbed two-lane local industrial street and shown to remain the same on the 2030 Transportation Plan. Approximately 280 feet north of the site Kessler Streets intersects with Pawnee Avenue, a principle arterial which provides quick access to highways K-42 and US-54. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies the subject site's location as appropriate for the "employment/ industry center" category's development. Development types listed in this category include manufacturing and fabrication facilities, warehouse and shipping centers, call centers and corporate offices. Development in the site's immediate area is mostly office-warehouse, a private airstrip, a meat processing manufacturing facility, a paint and body shop with outdoor storage and an auto wrecking and salvage yard. The proposed indoor recycling of industrial scrap metal facility seems appropriate for the employment/ industry center category and not out of character with the area.

The definition of recyclable materials does not include industrial scrap materials; Unified Zoning Code (UZC) Art II, Sec II-B.11e. The recycling of industrial scrap metal fits into the UZC's (Art II, Sec II-B.14r.) definition of wrecking and salvage; the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials. A wrecking and salvage operation requires a Conditional Use in the LI zoning district.

The subject property has frontage and direct access onto Kessler Street. Kessler Street is a paved and curbed two-lane local industrial street and shown to remain the same on the 2030 Transportation Plan. Approximately 280 feet north of the site Kessler Streets intersects with Pawnee Avenue, a principle arterial which provides quick access to highways K-42 and US-54. The site's access to an active railroad track affords the site another means of transporting its recycled industrial scrap metal to its markets.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for an indoor recycling of industrial scrap metal APPROVED subject to the following conditions:

1. The indoor recycling of industrial scrap metal will located entirely within the 36,580-square foot building, which will screen the scrap metal except for the times the scrap metal will be loaded onto and off of trucks and that could be for a period of no more than eight-hours. Loading of the recycled industrial scrap metal onto railroad cars located on the west, abutting railroad tracks will not be considered outdoor storage.

2. Any stockpiling of fuels or chemicals on this site must be approved by the Wichita Environmental Services.
3. The applicant shall meet all permitting, reporting and operating requirements as necessary per the local, state and federal levels on this site.
4. The level of noise generated by the recycling of industrial scrap metal not exceed community standards as specified by City Ordinance and determined by the Wichita Environmental Services.
5. All improvement to the site shall be per City Standards.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, 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 Conditional Use 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 one of the larger, mostly unbroken, concentrations of LI zoning in the City, from Kellogg Street/US 54 Highway to 47th Street South and spreading east to west from West Street; all zoning abutting and adjacent to the site is zoned LI. Development in the area around the site is mostly office-warehouse, some steel fabrication, various manufacturing facilities, equipment and materials storage yards and their offices. A private airstrip (Dead Cow airstrip) is located east of the site, across Kessler Street. Development located east of Dead Cow consists of steel fabrication businesses and office-warehouses. An active railroad track abuts the west side of the site, with an auto wrecking and salvage yard and smaller office-warehouses located west of the railroad tracks. An office-warehouse abuts the south side of the site and a paint and body shop with outdoor storage is located further south. An office-warehouse abuts the north side of the site. Further north, across Pawnee Avenue, there is undeveloped land, office-warehouses, and a meat products manufacturing plant.

2. The suitability of the subject property for the uses to which it has been restricted: The vacant property could be used as an office-warehouse or any of a number of the permitted uses in the LI zoning district that would use a 36,580-square foot building that affords limited parking.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed indoor recycling of industrial scrap metals introduces a new type of wrecking and salvage into the area's development of mostly office-warehouse, some steel fabrication, a private airstrip, and various manufacturing facilities. West of the site, across an active railroad track there is an outdoor auto wrecking and salvage yard; wrecking and salvage per the UZC, Art II, Sec II-B.14r. The proposed conditions of the Conditional Use attempt to minimize these concerns and will give the proposed facility the appearance more similar to an office-warehouse than a wrecking and salvage.

4. Length of time subject property has remained vacant as zoned: The applicant has stated that the site has been vacant for over a year.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies the subject site's location as appropriate for the "employment/ industry center" category's development. Development types listed in this category include manufacturing and fabrication facilities, warehouse and shipping centers, call centers and corporate offices. Development in the site's immediate area is mostly office-warehouse, a private airstrip, a meat processing manufacturing facility, a paint and body shop with outdoor storage and an auto salvage yard. The proposed indoor recycling of industrial scrap metal facility seems appropriate for the employment/ industry center category and not out of character with the area.

   The definition of recyclable materials does not include industrial scrap materials; Unified Zoning Code (UZC) Art II, Sec II-B.11e. The recycling of industrial scrap metal fits into the UZC's (Art II, Sec II-B.14r.) definition of wrecking and salvage; the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials. A wrecking and salvage operation requires a Conditional Use in the LI zoning district.

   The subject property has frontage and direct access onto Kessler Street. Kessler Street is a paved and curbed two-lane local industrial street and shown to remain the same on the 2030 Transportation Plan. Approximately 280 feet north of the site Kessler Streets intersects with Pawnee Avenue, a principle arterial which provides quick access to highways K-42 and US-54.The site's access to an active railroad track affords the site another means of transporting its recycled industrial scrap metal to its markets.

6. Impact of the proposed development on community facilities: Impact on community facilities will be minimal.

FERRIS CONSULTING

PO BOX 573 WICHITA, KS 67201
PHONE 316-516-0808 EMAIL ferrisco@aol.com

Oct 16, 2014

John Schlegel, Director
Metropolitan Area Planning Department
City Hall, 10th Floor
455 N. Main
Wichita, KS 67202

RE: Conditional Use for Wrecking and Salvage on property zoned Limited Industrial located at 2527 S. Kessler

Dear John:

Shapiro Metals has leased the property location at 2527 S. Kessler. Shapiro Metals is a recycling company. The operation will be a recycling center. However, they will accept industrial metals. This requires a Conditional Use for Wrecking and Salvage even though they will not be doing any conventional wrecking or salvage operations at the site.

The site is comprised of 1.76 acres with a 36,580 square foot building. The recycling operation will take place inside of the building. Trucks will back up to one of the three receiving doors and unload their material. The material will be handled and bailed inside the building. Then it will be loaded on a truck backed up to one of the doors or placed on a railcar on the adjoining railroad tracks to the west.

The area is completely surrounded by Light Industrial Zoning. The nearest zoning that is not LI is approximately one-half mile to the east. There is an airport to the east of the property and a railroad track to the west. There is a full scale wrecking and salvage yard just west of the railroad tracks.

The Supplemental Use Regulations for wrecking and salvage state that the site should be contained within a solid fence. However, since the actual wrecking and salvage use is confined in the building we request that the walls of the building be considered the screening.

The Applicant is willing to accept the extra conditions as well as the usual conditions that are associated with this use. Those additional conditions are:

1. The wrecking and salvage operations shall be confined to the building.
2. There will be no wrecking and salvage materials outside the building except during loading and unloading and for no period longer than eight hours.

This request complies with the requirements for a Conditional Use as follows:

- **The zoning, uses, and character of the neighborhood;** the area is made up completely of industrial zoning and uses. There are other similar businesses in the area.
- **The extent to which removal of the restrictions will detrimentally affect nearby property;** the operations will take place inside of the building. There will be no detrimental affect on any property in the area.
- **The length of time the subject property has remained vacant as zoned**; the building was empty and on the market for over one year.
- **The conformance of the requested change to the adopted or recognized comprehensive plan or other plans or policies being utilized by the City or County;** this area is designated for industrial uses.
- **Impact of the proposed development on community facilities;** Kessler is a paved roadway that is designed to serve the industrial uses in the area. There is adequate sewer and water in the area. There will be no impact on community facilities.

This request places into service a vacant building and allows a business to operate on the site. We request the Planning Staff recommend approval and the Planning Commission approve the Conditional Use.

Please let me know if you have any questions.

Sincerely,

Gregory Ferris