

Table of Contents

Agenda	2
December 18, 2014	
DRAFT December 18, 2014 Planning Commission Minutes	4
SUB2014-00039	
JBAR Addition -MAPC STAFF RPT -SUB2014 39	32
SUB2014-00040	
Solis ADD -MAPC STAFF RPT -SUB2014 40	35
SUB2014-00042	
J R SANDLIAN Addition -MAPC STAFF RPT -SUB2014 42	38
SUB2014-00043	
LANGE 3rd Addition -MAPC STAFF RPT -SUB2014 43	42
VAC2014-00048	
VAC2014 48 -MAPC STAFF RPT.	46
VAC2014-00049	
VAC2014 49 -MAPC STAFF RPT.	49
ZON2014 00031	
ZON2014-00031 Staff Report.	52

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, January 8, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, January 8, 2015**, 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: December 18, 2014

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2014-00039: Final Plat – JBAR ADDITION**, located south of 13th Street North, east of Hoover.

Committee Action: APPROVED 2-0
Surveyor: Baughman Company, P.A.
Acreage: 4.77
Total Lots: 15

- 2-2. **SUB2014-00040: One-Step Final Plat – SOLIS ADDITION**, located North of 29th Street North, East of Hood.

Committee Action: APPROVED 2-0
Surveyor: Abbott Land Survey, P.A.
Acreage: 1.69
Total Lots: 3

- 2-3. **SUB2014-00042: One-Step Final Plat – J.R. SANDLIAN ADDITION**, located north of 29th Street North, on the west side of Hoover Road.

Committee Action: APPROVED 2-0
Surveyor: Jeffery D. Burdick
Acreage: 7.98
Total Lots: 1

- 2-4. **SUB2014-00043: One-Step Final Plat – LANGE 3RD ADDITION**, located on the east side of West Street, South of MacArthur Road.

Committee Action: APPROVED 2-0
Surveyor: Baughman Company, P.A.
Acreage: 55.86
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. **VAC2014-00048: County request to vacate a portion of platted access control on properties,** generally located west of 159th Street East, south of 53rd Street North, on both sides of Stone Post Street.

Committee Action: APPROVED 2-0

- 3-2. **VAC2014-00049: City request to vacate a platted sanitary sewer easement on property,** generally located between 2nd Street and St Louis Avenue on the east side of West Street (410 N. West Street)

Committee Action: APPROVED 2-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2014 00031
Request: City request for a zone change from B Multi-family Residential to LC Limited Commercial with a Protective Overlay.
General Location: On the northwest corner of Douglas Avenue and Rock Road.
Presenting Planner: Dale Miller

NON-PUBLIC HEARING ITEMS

5. Other Matters/Adjournment

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Minutes

December 18, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, December 18, 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; David Dennis; David Foster; Bill Johnson; Joe Johnson; Don Klausmeyer; John McKay, Jr; Debra Miller Stevens and Chuck Warren. M.S. Mitchell; Carol Neugent; Bill Ramsey; George Sherman and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Robert Parnacott, Assistant County Counselor; Jeff Vanzandt, Assistant City Attorney, and Maryann Crockett, Recording Secretary.

1. Approval of the November 20, 2014 MAPC meeting minutes.

MOTION: To approve the November 20, 2014 Planning Commission minutes.

J. JOHNSON moved, **WARREN** seconded the motion, and it carried (8-0-1).
KLAUSMEYER - Abstained.

-
2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00040: One-Step Final Plat – SOLIS ADDITION**, located North of 29th Street North, East of Hood.

CHAIR GOOLSBY announced that the case has been deferred three weeks until the January 8, 2015 Planning Commission meeting.

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- 2-2. **LSP2014-00024: Lot Split – F.D. SUTTON ADDITION**, Modification of lot width-to-depth ratio for property located south of Central, east of West Street.

This proposed lot split is for property zoned Two-Family Residential (TF-3). It encompasses the split of one lot into two lots. 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.

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

B. JOHNSON moved, **MCKAY** seconded the motion, and it carried (9-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2014-00041: City request to vacate a platted reserve and amend the plattor's text on property, generally located south of 13th Street North on the east side of Greenwich Road.

OWNER/AGENT:

Venture Seven Development LLC, George E Laham II & Gateway Center Addition Master Owners Association, George E Laham II (owner/applicant) MKEC. c/o Brian Lindebak (agent)

LEGAL DESCRIPTION:

Generally described as vacating that portion of platted Reserve A that is located between Lot 2 (south side) & Lot 3 (north side), Block 1, Gateway Center 3rd Addition & vacating the plattor's text to amend the uses allowed in the reserve, Wichita, Sedgwick County, Kansas

LOCATION:

Generally located south of 13th Street North on the east side of Greenwich Road (WCC #II)

REASON FOR REQUEST:

Allow the construction of a building in a portion of the subject reserve

CURRENT ZONING:

The site and abutting and adjacent southern and eastern properties are zoned LC Limited Commercial & are located within Community Unit Plan CUP DP-239. Adjacent western (across Greenwich Rd) and northern (across 13th St N) properties are zoned LC, GC General Commercial & LI Limited Industrial.

The applicant is requesting that the portion of platted Reserve A located between Lot 2 (south side) & Lot 3 (north side), Block 1, Gateway Center 3rd Addition be vacated. This portion of Reserve A is 40-foot wide and 250-foot deep. As platted this portion of Reserve A is also full movement ingress/egress drive onto Greenwich Road. The applicant is also requesting that the plattor's text pertaining to the described portion of the subject reserve be amended to allow the uses permitted in the LC Limited Commercial zoning district as restricted by the overlay Community Unit Plan CUP DP-239. The plattor's text of the Gateway Center 3rd Addition states that the described portion of Reserve A is restricted to the following uses; private drives (as noted it is also platted as a 40-foot wide full movement ingress/egress drive onto Greenwich Road), landscaping, signage, entry monuments, drainage, sidewalks, and utilities confined to easements. The plattor's text also states that Reserve A is to be maintained and owned by an owners association to be formed within the Gateway Center 3rd Addition. The applicant proposes that a portion of a building will be encroach into the subject reserve. The encroachment of a building into Reserve A means the platted 40-foot wide full movement ingress/egress drive onto Greenwich Road will be compromised. There was no request to vacate platted access control and the current ownership notification list does not give the required notification, therefore a separate application for vacation of platted access control is required. The purpose of the building will allow the uses permitted in the LC zoning district as restricted by CUP DP-239 on Parcels 5 (Lot 3) and 4 (Lot 2) of DP-239; the applicant has not stated which parcel the proposed building will be encroaching from.

There are platted easements located in the platted reserve. A sewer line is located in a platted north-south easement that is located and runs parallel to the subject site and the abutting properties and

Greenwich Road. The vacation request will not impact this easement. Water is located in Greenwich Road. GIS does not show stormwater equipment located in the reserve. Condition #5 covers Westar. Becky Thompson is the area's Westar Area Construction Representative and can be contacted at 316/261-6320.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City 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 portion of the platted reserve and to vacate the plattor's text to amend the uses allowed in the described platted reserve.

- 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 26, 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 reserve, to vacate the plattor's text to amend the uses allowed in the described platted reserve, vacate a portion of a platted parking easement, and vacate a portion of a platted utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the plattors text, amending it by allowing the uses permitted in the LC zoning district as restricted by CUP DP-239 on Parcel 5 (Lot 3, Block 1, Gateway Center 3rd Addition) and Parcel 4 (Lot 2, Block 1, Gateway Center 3rd Addition).
- (2) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures) binding and tying the described vacated portion of Reserve A to either Parcel 5 (Lot 3, Block 1, Gateway Center 3rd Addition) or Parcel 4 (Lot 2, Block 1, Gateway Center 3rd Addition), all in CUP DP-239.
- (3) Provide an adjustment to CUP DP-239 showing the new parcel boundaries of Parcel 5 (Lot 3, Block 1, Gateway Center 3rd Addition) or Parcel 4 (Lot 2, Block 1, Gateway Center 3rd Addition). The adjustment will also redefine the gross area of the impacted parcel.
- (4) This approval does not vacate the platted access control (which is in line with the subject easement) which requires a separate vacation request.

- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Becky Thompson is the area's Westar Area Construction Representative and can be contacted at 316/261-6320.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (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) Vacate the plattors text, amending it by allowing the uses permitted in the LC zoning district as restricted by CUP DP-239 on Parcel 5 (Lot 3, Block 1, Gateway Center 3rd Addition) and Parcel 4 (Lot 2, Block 1, Gateway Center 3rd Addition).
- (2) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures), binding and tying the described vacated portion of Reserve A to either Parcel 5 (Lot 3, Block 1, Gateway Center 3rd Addition) or Parcel 4 (Lot 2, Block 1, Gateway Center 3rd Addition), all in CUP DP-239.
- (3) Provide an adjustment to CUP DP-239 showing the new parcel boundaries of Parcel 5 (Lot 3, Block 1, Gateway Center 3rd Addition) or Parcel 4 (Lot 2, Block 1, Gateway Center 3rd Addition). The adjustment will also redefine the gross area of the impacted parcel.
- (4) This approval does not vacate the platted access control (which is in line with the subject easement) which requires a separate vacation request.
- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Becky Thompson is the area's Westar Area Construction Rep and can be contacted at 316/261-6320.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

(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.

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (9-0).

3-2. **VAC2014-00042: City request to vacate a platted reserve and the amend the plattor's text on property**, generally located south of Maple Street, on the west side of 135th Street West, north of Verona Street and Verona Court.

OWNER/AGENT: Perfection Signature Properties LLC (owner/applicant) MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION: Generally described as vacating the portion of the platted Reserve G that abuts the east sides of Lots 19 & 20 & vacating the plattor's text to amend the uses allowed in the reserve & vacating the 10-ft wide utility easement located along a portion of the east side of that portion of Reserve G that runs parallel to the east side of Lot 19, all in Block 2, all in the Courtyards at Auburn Hills Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of Maple Street, on the west side of 135th Street West, west of Siena Street and north of Montecito Lane (WCC #V)

REASON FOR REQUEST: Construction of single-family residences

CURRENT ZONING: The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential

The applicant is requesting portions of the platted Reserve G located along the east sides of Lots 19 & 20, Block 2, Courtyards at Auburn Hills Addition be vacated and attached to the noted lots. The plattor's text states that Reserve G is to be used for residential parking, private parks and recreation, swimming pool, neighborhood clubhouse, neighborhood amenities, private playground, pond and fountain. Sewer and a platted easement runs west-east through the portion of Reserve G that abuts the east side of Lot 20; the vacation request would not impact this easement. There do not appear to be any other public utilities located in the described portions of Reserve G. The applicant is also requesting that the 10-foot platted utility easement located in that portion of Reserve G that runs parallel to the east side of Lot 19 be vacated. There does not appear to be any public utilities located in this portion of the subject utility easement. Condition #5 covers Westar. Heide Bryan is the area's Westar construction representative and can be contacted at 316/261-6554. The Courtyards at Auburn Hills Addition was recorded December 6, 2013.

NOTE: The Subdivision Committee requested that Staff review any requirements for a percentage of open space on the Courtyards at Auburn Hills Addition. Staff reviewed the file of SUB2013-00027 and found no mention of a required amount of open space for this plat. Staff found no minimum open space requirement in the Subdivision Regulations. There were numerous modifications including:

- A modification of the SF-5 zoning district's 50-foot minimum lot width.
- A modification of the Zero Lot Line's required 10-foot side yard setback to 6 feet.
- A modification of the SF-5 zoning district's required 20-foot rear yard setback to 10 feet.
- A modification of the lot's width to depth ratio
- The MABCD requiring a 1-hour fire wall for the side yard walls.

Per the Unified Zoning Code, Art.III, Sec.III-B.5 e.(1)(a): Reduction of Lot Area and Setback standards. Under the cluster development option, the minimum Lot Area standard of the SF-5 District may be reduced from 5,000 square feet to 4,000 square feet, provided that any reduction in Lot Area must be offset by the provision of permanent Open Space. The amount of Open Space area provided shall at least equal the cumulative total reduction in Lot Area. Interior Side Yard Setbacks may be reduced to five feet. Staff found no evidence that the cluster development standards were incorporated into SUB2013-00027.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City 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 reserve, to vacate the plat's text to amend the uses allowed in the described platted reserve and to vacate the platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 26, 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 reserve, to vacate the plat's text to amend the uses allowed in the described platted reserve and to vacate the platted utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the described portions of Reserve G as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-

mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.

- (2) Vacate the plattors text for the vacated portions of Reserve G, amending it by allowing the construction of single-family residences, with the restrictions of the Courtyards at Auburn Hills Addition.
- (3) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures), binding and tying the described vacated portions of Reserve G to Lots 19 & 20, Block 2, Courtyards at Auburn Hills Addition.
- (4) As approved by Public Works, Water & Sewer, Stormwater vacate the platted 10-foot platted utility easement located in that portion of Reserve G that runs parallel to the east side of Lot 19, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Heide Bryan is the Westar Construction Representative and can be contacted at 316/261-6554.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (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) Vacate the described portions of Reserve G, as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Vacate the plattors text for the vacated portions of Reserve G, amending it by allowing the construction of single-family residences, with the restrictions of the Courtyards at Auburn Hills Addition.

- (3) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures), binding and tying the described vacated portions of Reserve G to Lots 19 & 20, Block 2, Courtyards at Auburn Hills Addition.
- (4) As approved by Public Works, Water & Sewer, Stormwater vacate the platted 10-foot platted utility easement located in that portion of Reserve G that runs parallel to the east side of Lot 19, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Heide Bryan is the Westar Construction Representative and can be contacted at 316/261-6554.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (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.

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (9-0).

- 3-3. **VAC2014-00043: City request to vacate a platted reserve and the amend the plattor's text on property,** generally located south of Maple Street, on the west side of 135th Street West, north of Montecito Lane, on the west side of Siena Lane.

OWNER/AGENT:

Perfection Signature Properties LLC (owner/applicant) MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION:

Generally described as vacating the portion of the platted Reserve G that abuts the east sides of Lots 19 & 20 & vacating the plattor's text to amend the uses allowed in the reserve & vacating the 10-ft wide utility easement located along a portion of the east side of that portion of Reserve G that runs parallel to the east side of Lot 19, all in Block 2, all in the Courtyards at Auburn Hills Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of Maple Street, on the west side of 135th Street West, west of Siena Street and north of Montecito Lane (WCC #V)

REASON FOR REQUEST: Construction of single-family residences

CURRENT ZONING: The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential

The applicant is requesting portions of the platted Reserve G located along the east sides of Lots 19 & 20, Block 2, Courtyards at Auburn Hills Addition be vacated and attached to the noted lots. The plat's text states that Reserve G is to be used for residential parking, private parks and recreation, swimming pool, neighborhood clubhouse, neighborhood amenities, private playground, pond and fountain. Sewer and a platted easement runs west-east through the portion of Reserve G that abuts the east side of Lot 20; the vacation request would not impact this easement. There do not appear to be any other public utilities located in the described portions of Reserve G. The applicant is also requesting that the 10-foot platted utility easement located in that portion of Reserve G that runs parallel to the east side of Lot 19 be vacated. There does not appear to be any public utilities located in this portion of the subject utility easement. Condition #5 covers Westar. Heide Bryan is the area's Westar construction representative and can be contacted at 316/261-6554. The Courtyards at Auburn Hills Addition was recorded December 6, 2013.

NOTE: The Subdivision Committee requested that Staff review any requirements for a percentage of open space on the Courtyards at Auburn Hills Addition. Staff reviewed the file of SUB2013-00027 and found no mention of a required amount of open space for this plat. Staff found no minimum open space requirement in the Subdivision Regulations. There were numerous modifications including:

- A modification of the SF-5 zoning district's 50-foot minimum lot width.
- A modification of the Zero Lot Line's required 10-foot side yard setback to 6 feet.
- A modification of the SF-5 zoning district's required 20-foot rear yard setback to 10 feet.
- A modification of the lot's width to depth ratio
- The MABCD requiring a 1-hour fire wall for the side yard walls.

Per the Unified Zoning Code, Art.III, Sec.III-B.5.e.(1)(a): Reduction of Lot Area and Setback standards. Under the cluster development option, the minimum Lot Area standard of the SF-5 District may be reduced from 5,000 square feet to 4,000 square feet, provided that any reduction in Lot Area must be offset by the provision of permanent Open Space. The amount of Open Space area provided shall at least equal the cumulative total reduction in Lot Area. Interior Side Yard Setbacks may be reduced to five feet. Staff found no evidence that the cluster development standards were incorporated into SUB2013-00027.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City 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 reserve, to vacate the plat's text to amend the uses allowed in the described platted reserve and to vacate the platted utility easement.

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 26, 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 reserve, to vacate the plattor's text to amend the uses allowed in the described platted reserve and to vacate the platted utility easement and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the described portions of Reserve G as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Vacate the plattors text for the vacated portions of Reserve G, amending it by allowing the construction of single-family residences, with the restrictions of the Courtyards at Auburn Hills Addition.
- (3) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures), binding and tying the described vacated portions of Reserve G to Lots 19 & 20, Block 2, Courtyards at Auburn Hills Addition.
- (4) As approved by Public Works, Water & Sewer, Stormwater vacate the platted 10-foot platted utility easement located in that portion of Reserve G that runs parallel to the east side of Lot 19, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Heide Bryan is the Westar Construction Representative and can be contacted at 316/261-6554.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

- (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) Vacate the described portions of Reserve G, as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Vacate the plattors text for the vacated portions of Reserve G, amending it by allowing the construction of single-family residences, with the restrictions of the Courtyards at Auburn Hills Addition.
- (3) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures), binding and tying the described vacated portions of Reserve G to Lots 19 & 20, Block 2, Courtyards at Auburn Hills Addition.
- (4) As approved by Public Works, Water & Sewer, Stormwater vacate the platted 10-foot platted utility easement located in that portion of Reserve G that runs parallel to the east side of Lot 19, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Heide Bryan is the Westar Construction Representative and can be contacted at 316/261-6554.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (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.

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (9-0).

- 3-4. **VAC2014-00044: City request to vacate a platted reserve and the amend the plat**or's text on property, generally located south of Maple Street, on the west side of 135th Street West, on the southwest side of Verona Street and Siena Lane.

OWNER/AGENT: Perfection Signature Properties LLC (owner/applicant), MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION: Generally described as vacating the portion of the platted Reserve K that abuts the east side of Lots 30 & vacating the plat's text to amend the uses allowed in the reserve & vacating the 10-ft wide utility easement located along a portion of the east side of that portion of Reserve K that runs parallel to the east side of Lot 30, and a portion of a platted parking easement located within the described portion of Reserve K, all in Block 2, all in the Courtyards at Auburn Hills Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of Maple Street, on the west side of 135th Street West, on the southwest side of Verona Street and Siena Lane (WCC #V)

REASON FOR REQUEST: Construction of single-family residences

CURRENT ZONING: The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential

The applicant is requesting portions of the platted Reserve K located along the east side of Lot 30, Block 2, Courtyards at Auburn Hills Addition be vacated and attached to the noted lot. The plat's text states that Reserve K is to be used for residential parking, private parks and recreation, swimming pool, neighborhood clubhouse, neighborhood amenities, private playground, pond and fountain. Sewer and a platted easement runs west-east through the portion of Reserve K that abuts the north side of Lot 30; the vacation request would not impact this easement. The applicant is also requesting that the 10-foot platted utility easement located in the proposed vacated portion of Reserve K be vacated. The applicant is also requesting that the a portion of a 20-foot wide platted parking easement located in that portion of Reserve K that runs parallel to the east side of Lot 30 be vacated. Water runs through a south and east portion of the subject reserve and easements. There does not appear to be any public utilities located in this portion of the subject utility easement. Condition #6 covers Westar. Heide Bryan is the area's Westar representative and can be contacted at 316/261-6554. The Courtyards at Auburn Hills Addition was recorded December 6, 2013.

NOTE: The Subdivision Committee requested that Staff review any requirements for a percentage of open space on the Courtyards at Auburn Hills Addition. Staff reviewed the file of SUB2013-00027 and found no mention of a required amount of open space for this plat. Staff found no minimum open space requirement in the Subdivision Regulations. There were numerous modifications including:

- A modification of the SF-5 zoning district's 50-foot minimum lot width.
- A modification of the Zero Lot Line's required 10-foot side yard setback to 6 feet.
- A modification of the SF-5 zoning district's required 20-foot rear yard setback to 10 feet.
- A modification of the lot's width to depth ratio
- The MABCD requiring a 1-hour fire wall for the side yard walls.

Per the Unified Zoning Code, Art.III, Sec.III-B.5.e.(1)(a): Reduction of Lot Area and Setback standards. Under the cluster development option, the minimum Lot Area standard of the SF-5 District may be reduced from 5,000 square feet to 4,000 square feet, provided that any reduction in Lot Area must be offset by the provision of permanent Open Space. The amount of Open Space area provided shall at least equal the cumulative total reduction in Lot Area. Interior Side Yard Setbacks may be reduced to five feet. Staff found no evidence that the cluster development standards were incorporated into SUB2013-00027.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City 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 portion of the platted reserve, to vacate the plattor's text to amend the uses allowed in the described platted reserve, vacate a portion of a platted parking easement, and vacate a portion of a platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 26, 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 reserve, to vacate the plattor's text to amend the uses allowed in the described platted reserve, vacate a portion of a platted parking easement, and vacate a portion of a platted utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the described portion of Reserve K as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Vacate the plattors text for the vacated portions of Reserve K, amending it by allowing the construction of single-family residences, with the restrictions of the Courtyards at Auburn Hills Addition.

- (3) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures), binding and tying the described vacated portions of Reserve K to Lot 30, Block 2, Courtyards at Auburn Hills Addition.
- (4) As approved by City Public Works, Water & Sewer, Stormwater and franchised utilities vacate the platted 10-foot platted utility easement located in that portion of Reserve K that runs parallel to the east side of Lot 30, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (5) As approved by the Traffic Engineer and Fire vacate the described portion of the platted parking easement located along the east side of Lot 30, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (6) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Heide Bryan is the area's Westar construction representative and can be contacted at 316/261-6554.
- (7) All improvements shall be according to City Standards and at the applicants' expense.
- (8) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described portion of Reserve K as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Vacate the plattors text for the vacated portions of Reserve K, amending it by allowing the construction of single-family residences, with the restrictions of the Courtyards at Auburn Hills Addition.

- (3) Provide a copy of a recorded Warranty Deed (in lieu of a covenant with original signatures), binding and tying the described vacated portions of Reserve K to Lot 30, Block 2, Courtyards at Auburn Hills Addition.
- (4) As approved by City Public Works, Water & Sewer, Stormwater and franchised utilities vacate the platted 10-foot platted utility easement located in that portion of Reserve K that runs parallel to the east side of Lot 30, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (5) As approved by the Traffic Engineer and Fire vacate the described portion of the platted parking easement located along the east side of Lot 30, Block 2, Courtyards at Auburn Hills Addition. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (9) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action. Heide Bryan is the area's Westar construction representative and can be contacted at 316/261-6554.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (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.

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (9-0).

3-5. **VAC2014-00045: City request to vacate a platted easement on property,** generally located on the northwest corner of 29th Street North and Ohio Street.

OWNER/AGENT: CRE Holding, LLC c/o Craig Nelson (owner) Baughman Co., c/o Phil Meyer (agent)

LEGAL DESCRIPTION: All of the platted 20-foot wide utility easement (except the portion of the platted utility easement that will remain around the sewer manhole) that

runs parallel to the east lot line of Lot 1, Burlington Northern Industrial Center Addition and Ohio Avenue, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the northwest corner of 29th Street North and Ohio Avenue (WCC #VI)

REASON FOR REQUEST: Future development

CURRENT ZONING: The subject property and all abutting and adjacent properties are zoned GI General Industrial.

The applicant proposes to vacate all of the platted 20-foot wide utility easement (except the portion of the platted utility easement that will remain around the sewer manhole) that runs parallel to the east lot lines of Lot 1, Burlington Northern Industrial Center Addition and Ohio Avenue. With the exception of the sewer manhole, there appears to be no public utilities located within the described portion of the platted utility easement; the sewer line to the manhole is located in the Ohio Avenue right-of-way. Condition #5 covers Westar. Becky Thompson is the area's Westar construction representative and can be contacted at 316/261-6320. The Burlington Northern Industrial Center Addition was recorded with the Register of Deeds October 17, 1984.

NOTE: The abutting north property, Lots 2 & 3, Block A, Burlington Northern Industrial Center Addition, had a similar vacation request, VAC2014-00026. VAC2014-00026 vacated all of the platted 20-foot wide utility easement (except the portions of the utility easement that was retained around four sewer manholes) that ran parallel to the east lot lines of Lots 2 & 3, Block A, Burlington Northern Industrial Center Addition and Ohio Avenue.

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

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 26, 2014, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portions of the platted utility easement and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) As approved by Public Works/Water and Sewer, retain 10-foot of utility easement on the north, west, south and east sides around of the sewer manhole as measured from the center of that manhole, located long the east lot lines of Lot 1, Burlington Northern Industrial Center Addition and Ohio Avenue. Provide an exhibit of the above noted retained easement that will be filed with the Vacation Order at the Register of Deeds of Sedgwick County. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with any required plans for review and approval for the relocation of public utilities. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approved plans for public utilities and approval by franchised utilities must be provided to Planning prior to the case going to Council for final action.
- (4) Provide Planning Staff with any needed public (with original signatures easements) easements prior to the case going to Council for final action. Provide Planning Staff with a signed affirmation that franchise utilities have acquired any needed easements prior to the case going to Council for final action. . Becky Thompson is the area's Westar construction representative and can be contacted at 316/261-6320.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As approved by Public Works/Water and Sewer, retain 10-foot of utility easement on the north, west, south and east sides around of the sewer manhole as measured from the center of that manhole, located long the east lot lines of Lot 1, Burlington Northern Industrial Center Addition and Ohio Avenue. Provide an exhibit of the above noted retained easement that will be filed with the Vacation Order at the Register of Deeds of Sedgwick County. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.

- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with any required plans for review and approval for the relocation of public utilities. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approved plans for public utilities and approval by franchised utilities must be provided to Planning prior to the case going to Council for final action.
- (4) Provide Planning Staff with any needed public (with original signatures easements) easements prior to the case going to Council for final action. Provide Planning Staff with a signed affirmation that franchise utilities have acquired any needed easements prior to the case going to Council for final action. Becky Thompson is the area's Westar construction representative and can be contacted at 316/261-6320.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (9-0).

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- 3-6. **VAC2014-00046: City request to vacate multiple easements dedicated by separate instruments on property**, generally located east of Ridge Road on the north side of 29th Street North.

OWNER/AGENT: GV Village LLC c/o Santo M. Catanese (owner) Baughman Co. c/o Phil Meyer (agent)

LEGAL DESCRIPTION: Generally described as vacating all or portions of: the water line easements dedicated by separate instrument recorded on DOC#/FLM-PG 29416578 & DOC#/FLM-PG 29424773; the utility easement dedicated by separate instrument recorded on DOC#/FLM-PG 29416580, and; the drainage easement dedicated by separate instrument recorded on DOC#/FLM-PG 29416578, all in Lot 1, Block 1, Ridge Port Addition, Wichita, Sedgwick County, Kansas (see attached legal descriptions and exhibit)

LOCATION: Generally located east of Ridge Road on the north side of 29th Street North (WCC #V)

REASON FOR REQUEST: Development

CURRENT ZONING: The subject property is zoned LC Limited Commercial. Abutting east and south properties are zoned SF-5 Single-Family Residential. Abutting north properties are zoned SF-5 and TF-3 Two-Family Residential. Abutting west property is zoned LI Industrial.

The applicant proposes to vacate the water line easements dedicated by separate instrument recorded on DOC#/FLM-PG 29416578 & DOC#/FLM-PG 29424773; the utility easement dedicated by separate instrument recorded on DOC#/FLM-PG 29416580, and; the drainage easement dedicated by separate instrument recorded on DOC#/FLM-PG 29416578. all in Lot 1, Block 1, Ridge Port Addition. The applicant has provide the recorded subject easements plus the attached exhibit and legal descriptions of the proposed vacated easement. There appears to be no public utilities located within the described easements dedicated by separate instruments. Sewer is located within other easements located on the subject site or the 29th Street North right-of-way. Water is located in the Ridge Road and 29th Street North right-of-ways. Condition #3 covers Westar. Marsha Jesse is the area's Westar construction representative and can be contacted at 316/261-6734. The Ridge Port Addition was recorded with the Register of Deeds June 8, 1998.

NOTE: VAC2013-00007 vacated a 20-foot wide sanitary sewer easement dedicated by separate easement (DOC#/FLM-PG: 29007660) located on the subject site; Lot 1, Block 1, Ridge Port Addition,

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of the 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 November 26, 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 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) As approved by Public Works/Water and Sewer/Stormwater vacate the water line easements dedicated by separate instrument recorded on DOC#/FLM-PG 29416578 & DOC#/FLM-PG 29424773; the utility easement dedicated by separate instrument recorded on DOC#/FLM-PG 29416580, and; the drainage easement dedicated by separate instrument recorded on

DOC#/FLM-PG 29416578, all in Lot 1, Block 1, Ridge Port Addition. Provide an exhibit of the vacated easements, which will be filed with the Vacation Order at the Register of Deeds of Sedgwick County. This must be provided to Planning prior to the case going to Council for final action.

- (2) Provide Planning Staff with a legal description of the approved vacated (portions) of the above noted two water line easements, the utility easement and the drainage easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with any required plans for review and approval for the relocation of public utilities. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approved plans for public utilities and approval by franchised utilities must be provided to Planning prior to the case going to Council for final action. Marsha Jesse is the area's Westar construction representative and can be contacted at 316/261-6734.
- (4) Provide Planning Staff with any needed public (with original signatures easements) easements prior to the case going to Council for final action. Provide Planning Staff with a signed affirmation that franchise utilities have acquired any needed easements prior to the case going to Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As approved by Public Works/Water and Sewer/Stormwater vacate the water line easements dedicated by separate instrument recorded on DOC#/FLM-PG 29416578 & DOC#/FLM-PG 29424773; the utility easement dedicated by separate instrument recorded on DOC#/FLM-PG 29416580, and; the drainage easement dedicated by separate instrument recorded on DOC#/FLM-PG 29416578, all in Lot 1, Block 1, Ridge Port Addition. Provide an exhibit of the vacated easements, which will be filed with the Vacation Order at the Register of Deeds of Sedgwick County. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated (portions) of the above noted two water line easements, the utility easement and the drainage easement on a

Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.

- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer with any required plans for review and approval for the relocation of public utilities. Provide franchise utilities with any required plans for review and approval for the relocation of franchise utilities. Approved plans for public utilities and approval by franchised utilities must be provided to Planning prior to the case going to Council for final action. Marsha Jesse is the area's Westar construction representative and can be contacted at 316/261-6734.
- (4) Provide Planning Staff with any needed public (with original signatures easements) easements prior to the case going to Council for final action. Provide Planning Staff with a signed affirmation that franchise utilities have acquired any needed easements prior to the case going to Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (9-0).

- 3-7. **VAC2014-00047: City request to vacate a portion of platted access control on property,** generally located on the southeast corner of 13th Street North and Tyler Road.

APPLICANT/AGENT: Tyler Pointe LLC (applicant/owner) K.E. Miller Engineering, P.A., c/o Kirk Miller (agent)

LEGAL DESCRIPTION: Generally described as vacating that portion of platted access control to shift the location of two permitted drives onto Tyler Road off of Lots 1 & 2, Block A, Tyler Point Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the southeast corner of 13th Street North and Tyler Road (WCC V)

REASON FOR REQUEST: Development

CURRENT ZONING: The site is zoned LC Limited Commercial and SF-5 Single-Family Residential. The site is also subject to CUP DP-329. Adjacent northern

properties (across 13th Street North) are zoned LC. Abutting eastern and southern properties are zoned SF-5. Adjacent western properties (across Tyler Road) are zoned SF-5 and LC.

The applicant proposes to vacate a portion of the platted access control to shift two of the permitted/platted drives off of Lots 1 (Parcel 1) & 2 (Parcel 2), Block A, Tyler Point Addition (see exhibit) onto Tyler Road. Tyler Road is a four-lane arterial at this location. There is no raised median or rollover median along the portion of Tyler where the vacation activity is proposed. The north most of the subject drives is located on Parcel 1 and is proposed to be shifted 32 feet south. It is also proposed to go from a 50-foot wide full movement drive to a 60-foot wide full movement drive. The south drive is located on Parcel 2 and it is proposed to be shifted approximately 60 feet north. It is proposed to remain a 60-foot wide full movement drive. The proposed shifts reduces the space between the proposed drives from the platted 382 feet of complete access control to 205 feet of complete access control. 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. The proposed north drive lines up approximately with the residential Suncrest Street on the west side of Tyler Road. The proposed south drive lines up with no streets or drives onto Tyler Road. The proposed south drive is located approximately 360 feet south of Suncrest Street and approximately 430 feet north of 11th Street. Public water is located in the Tyler Road right-of-way. Condition #3 covers Westar. Marsha Jesse is the Westar area's construction representative and can be contacted at 316/261-6734. The Tyler Point Addition was recorded with the Register of Deeds January 22, 2013.

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 platted access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 26, 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 access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Per the approval of the Traffic Engineer, vacate the platted access control to allow the shift of the two platted drives off of Lots 1 (Parcel 1) & 2 (Parcel 2), Block A, Tyler Point Addition onto

Tyler Road. Provide a dedication of access control to establish the realign drives, with original signatures, to Planning Staff prior to the case going to Council for final action.

- (2) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to VAC2014-00047 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (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. Marsha Jesse is the Westar area's construction representative and can be contacted at 316/261-6734.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (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) Per the approval of the Traffic Engineer, vacate the platted access control to allow the shift of the two platted drives off of Lots 1 (Parcel 1) & 2 (Parcel 2), Block A, Tyler Point Addition onto Tyler Road. Provide a dedication of access control to establish the realign drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to VAC2014-00047 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (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. Marsha Jesse is the Westar area's construction representative and can be contacted at 316/261-6734.
- (4) All improvements shall be according to City Standards and at the applicant's expense.

(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.

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (9-0).

PUBLIC HEARINGS

4. **Case No.: CUP2014-00038** – Tyler Pointe, LLC and One Eighty Development (Hoyt Scott)/ K.E. Miller Engineering (Kirk Miller) request a City CUP amendment to DP-329 to permit a 56-foot tall building and modify parcel boundaries, access control and square footage on property described as:

Lots 1, 2 and 3, Block A, Tyler Pointe Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is proposing various amendments to the Tyler Pointe Community Unit Plan (CUP) DP-329 to permit the construction of an approximately four-story assisted living facility. The application area is 12.13 acres located at the southeast corner of West 13th Street North and North Tyler Road that is zoned Limited Commercial (LC) but is subject to the development standards contained in the Tyler Pointe CUP. The applicant is seeking to amend the net parcel area, building height, maximum floor area, maximum floor area ratio and the location of access controls of various parcels located within DP-329, as indicated below. The numbers in italics and bold indicate proposed changes.

Parcel #	Existing Area (sq. ft.)	Proposed Area (sq. ft.)	Existing Max. Building Coverage (percent)	Proposed Max. Building Coverage (percent)	Existing Max. Building Height (feet)	Proposed Max. Building Height (feet)	Existing Max. Floor Area / Ratio (sq. ft./percent)	Proposed Max. Floor Area / Ratio (sq. ft./percent)
1	386,869	<i>319,979</i>	35	35	35	35	135,404 / 35	<i>110,379 / 35</i>
2	108,623	<i>180,123</i>	30	30	35	56	32,587 / 30	<i>128,400 / 72</i>
3	45,841	<i>41,231</i>	30	30	35	35	13,752 / 30	13,752 / 30
4	85,625	85,625	30	30	35	35	25,688 / 30	25,688 / 30
5	37,452	37,452	30	30	35	35	11,236 / 30	11,236 / 30
6	10,616	10,616	N/A	N/A	N/A	N/A	N/A	N/A

All parcels within the CUP are permitted a wide range of uses, such as: assisted living, church, convalescent care facility, library, hospital, bank, medical service, general retail, convenience store and personal care services. The applicant is not proposing to change the permitted uses. The applicant is also proposing to move driveway locations along Tyler Road. The southernmost driveway is currently permitted approximately 320 feet north of the southern boundary of Parcel 2. The applicant requests the driveway be moved south to a point approximately 180 feet from the southern boundary of Parcel 2. Another driveway, currently permitted at approximately 570 feet north of the southern boundary of Parcel 2, is proposed to be relocated 50 feet north.

The application is bordered on the north and west by four-lane arterial streets – 13th Street and Tyler Road. North of 13th Street is an LC zoned retail, bank, office and medical center. West of Tyler Road is a SF-5 zoned single-family subdivision and LC zoned multi-family residential and retail uses. The single-family subdivision has a significant evergreen landscape border. Land to the east and south is part of the SF-5 zoned Northwest High School campus. The new Northwest High School gym is projected to be 42 feet tall.

CASE HISTORY: On November 4, the City Council approved the creation of the Tyler Pointe CUP DP-329 (CUP2012-00031) and a zone change from SF-5 Single-family Residential (SF-5) to LC (ZON2012-00028). The application area is Lots 1-3, Block A, Tyler Pointe Addition. The Tyler Pointe Addition was recorded on January 22, 2013. The site was previously platted as Lot 1 of the Northwest High School Addition, platted in 1977.

ADJACENT ZONING AND LAND USE:

North: LC; medical office, retail
South: SF-5; Public high school
East: SF-5; Public high school
West: SF-5 and LC; single-family residences, multi-family residential and retail

PUBLIC SERVICES: The property has been replatted as recently as 2013. Usual municipal services are available or have been guaranteed. Road right-of-way meets current standard.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” map of the Comprehensive Plan designates the site as appropriate for “major institutional,” reflecting the earlier ownership of the site by Unified School District 259. The school district relinquished ownership of the application area to one of the applicants, who subsequently gained approval of the site’s current LC zoning subject to DP-329.

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

1. The 56-foot tall building height and associated floor area ratios are permitted only for an assisted living or nursing home facility.
2. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days of approval or the request shall be considered denied and closed.

3. If the Zoning Administrator finds that there is a violation of any of the conditions of the CUP amendment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the CUP amendment null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application is bordered on the north and west by four-lane arterial streets – 13th Street and Tyler Road. North of 13th Street is an LC zoned retail, bank, office and medical center. West of Tyler Road is a SF-5 zoned single-family subdivision and LC zoned multi-family residential and retail uses. The single-family subdivision has a significant evergreen landscape border. Land to the east and south is part of the SF-5 zoned Northwest High School.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC subject to the development standards and uses permitted by DP-329, including but not limited to - assisted living, church, convalescent care facility, library, hospital, bank, medical service, general retail, convenience store and personal care services. With the wide range of uses currently permitted it is likely the site has significant economic opportunity as currently restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Potential impacts created by the proposed changes should be minimized by the fact that other than the increase in height, the requested changes are internal modifications to the CUP that would not be noticeable. The increased building height is mitigated by the site's distance from residential uses and the existing natural screening that exists along the west side of Tyler Road.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would permit the potential development of a four-story assisted living or nursing home facility on Parcel 2, which would add to the community's inventory of elderly living units. Denial would presumably represent a loss of economic opportunity to the applicant and/or perspective developer.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" map of the Comprehensive Plan designates the site as appropriate for "major institutional," reflecting the earlier ownership of the site by Unified School District 259. The school district relinquished ownership of the application area to one of the applicants, who subsequently gained MAPC and City Council approval of the site's current LC zoning subject to DP-329.
6. Impact of the proposed development on community facilities: Existing or planned improvements are in place or can be extended to serve the site.

DALE MILLER, Planning Staff presented the Staff Report. He reported that he had four phone calls regarding the application; two from people he believed were associated with the Veteran's Administration and a couple of other calls from people who were concerned about a 56 foot tall building being so close to Tyler Road.

FOSTER asked about information from the DAB meeting.

D. MILLER reported that another staff member attended the DAB meeting for him and related that two people spoke in opposition of the application. He said he understood they were concerned about the height of the building.

KIRK MILLER, K.E. MILLER ENGINEERING, 117 E. LEWIS agent for the applicant said they are in agreement with staff comments. He said he received several calls, one from the Veterans Administration, who was on the ownership list, and another from the bank near the site wanting to know what was going on. He also indicated he had a call from a medical supply company who also wanted to know what was going on.

FOSTER asked about the DAB meeting.

K.E. MILLER commented that the DAB approved the application without a lot of discussion.

CAROL MUNSON, 8515 NANTUCKET said Nantucket was the first street north of the site running parallel to 13th Street. She said she has lived there for 26 years. She said she was a little resistant to change; however, she is concerned about the size of the building. She said she spoke with Mr. Miller who was very courteous and helpful and; he indicated the site was going to be a care facility which she was glad to hear for many reasons. She said the facility will not be open 24 hours a day and will probably not generate a lot of traffic coming and going. She said she believes a care facility is a good choice, if they have to have something there. She said she is opposed to a building of that size because she believes it will change the character of the community and set a precedent. She said a five-story building will stick out like a sore thumb. She said this is not consistent with the community.

K.E. MILLER indicated that the facility will be a four-story building and that the 56 feet goes to the peak at the top of the building. He said the facility has peaks as opposed to a flat top building. He said the Comprehensive Plan calls for higher development density in this area.

J. JOHNSON asked what was the height of the building at the soffit.

K.E. MILLER indicated 10-12 feet less, so it would be around 40 feet.

FOSTER commented that this was a nice location particularly with the Dillons at the northwest corner and other commercial uses to the northeast of the facility. He asked about pedestrian connections to those facilities.

K.E. MILLER indicated that there was an existing sidewalk along Tyler Road. He said one the reasons the developer chose this site was the facilities within walking distance for residents. He also mentioned that the building will be located off the road behind the parking lot, pear trees and other landscaping. He said they will install higher density landscaping at the site than is required by City Code.

MOTION: To approve subject to the staff recommendation.

WARREN moved, **KLAUSMEYER** seconded the motion, and it carried (9-0).

NON-PUBLIC HEARING ITEMS

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 1:50 p.m.

State of Kansas)
Sedgwick County) ss

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

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

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

(SEAL)

STAFF REPORT

CASE NUMBER: SUB2014-00039 – JBAR ADDITION

OWNER/APPLICANT: JBAR, LLC, Attn: Jay Russell, PO Box 75337, Wichita, KS 67275

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

LOCATION: South of 13th Street North, East of Hoover (District VI)

SITE SIZE: 4.77 acres

NUMBER OF LOTS

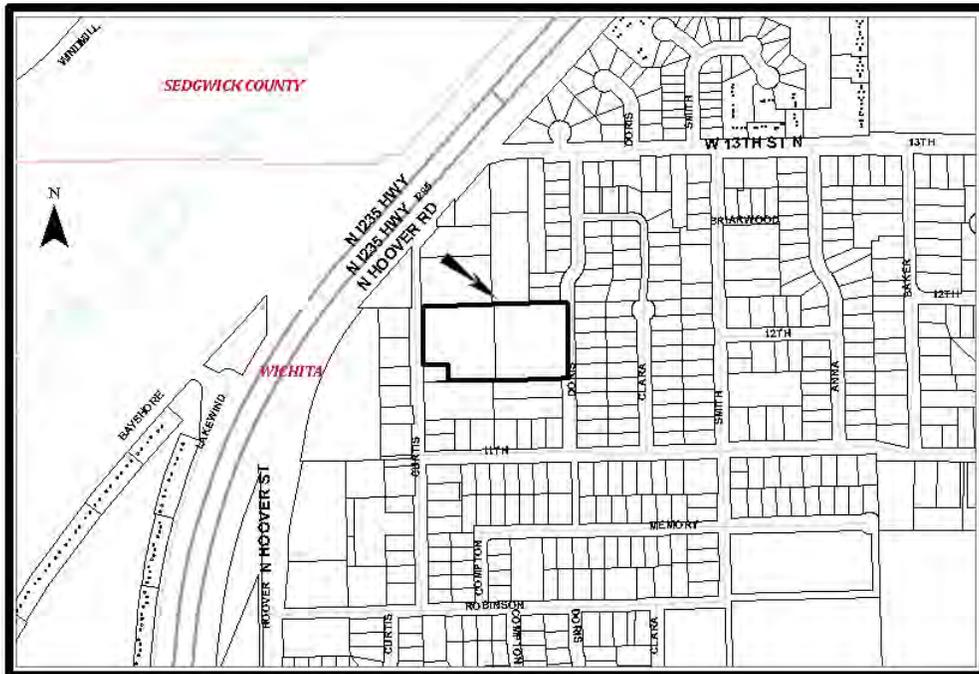
Residential:	15
Office:	
Commercial:	
Industrial:	
Total:	15

MINIMUM LOT AREA: 9,248 square feet

CURRENT ZONING: SF-5 Single-family Residential

PROPOSED ZONING: TF-3 Two-family Residential

VICINITY MAP



SUB2014-00039 – Plat of JBAR ADDITION
January 8, 2015 - Page 2

NOTE: This is a replat of a portion of the R.A. Morris Tracts Addition. The site has been approved for a zone change (ZON2014-00018) from SF-5 Single-family Residential to TF-3 Two-family Residential along with a Protective Overlay (PO #290) addressing setbacks and density.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) and extend sanitary sewer (laterals).
- 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. As requested, the applicant has platted a contingent dedication of the east 30 feet of the plat for Doris street right-of-way within Reserve B.
- D. City Stormwater Management has approved the drainage plan. A guarantee is needed for drainage improvements.
- E. The Applicant shall guarantee the paving of the internal street (Curtis Court). Paving of Curtis Street north to Hoover is recommended.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The Note regarding the Protective Overlay should be corrected to reference "Protective Overlay #290". A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- I. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- J. GIS has approved the street name.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

SUB2014-00039 – Plat of JBAR ADDITION
January 8, 2015 - Page 3

- L. 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.
- M. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Heide Bryan is the Westar Energy contact for this plat and she can be reached at 261-6554 with any questions.
- U. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

CASE NUMBER: SUB2014-00040 -- SOLIS ADDITION

OWNER/APPLICANT: Jose A. Solis, 2918 North Wellington Place, Wichita, KS 67204

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

LOCATION: North of 29th Street North, East of Hood (District VI)

SITE SIZE: 1.69 acres

NUMBER OF LOTS

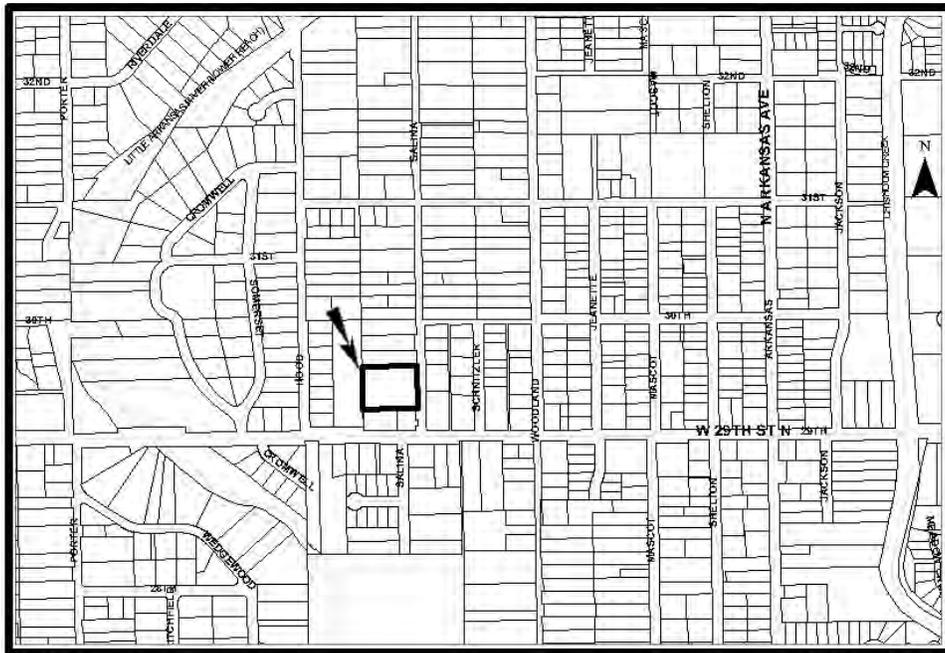
Residential:	3
Office:	
Commercial:	
Industrial:	
Total:	3

MINIMUM LOT AREA: 24,596 square feet

CURRENT ZONING: SF-5 Single-family Residential

PROPOSED ZONING: Same

VICINITY MAP



SUB2014-00040 -- Plat of SOLIS ADDITION
January 8, 2015 - Page 2

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

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve Lots 1, 2 and 3. A 20-foot utility easement is needed for the existing sanitary sewer.
- 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. The applicant shall submit a stormwater petition to cover the costs of extending storm to Lot 3 from 29th Street North. The applicant shall delineate a contingent 20-foot drainage easement over and across 1028 W 29th Street North.
- D. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- E. The Applicant is reminded that an updated 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.
- F. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulation for each lot. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. The applicant shall send a report to County Surveying regarding the boundary and distances shown. 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.

SUB2014-00040 -- Plat of SOLIS ADDITION
January 8, 2015 - Page 3

- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- 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).

STAFF REPORT

CASE NUMBER: SUB2014-00042 – J.R. SANDLIAN ADDITION

OWNER/APPLICANT: William G. and Laurie J. Stone, 1184 North Hillside Road, Wichita, KS 67205

AGENT: Young & Associates, P.A., Attn: Dustin Billingsley, 100 South Georgie, Derby, KS 67037

SURVEYOR: Jeffery D. Burdick, 6895 South Broadway, Haysville, KS 67067

LOCATION: North of 29th Street North, on the west side of Hoover Road (District V)

SITE SIZE: 7.98 acres

NUMBER OF LOTS

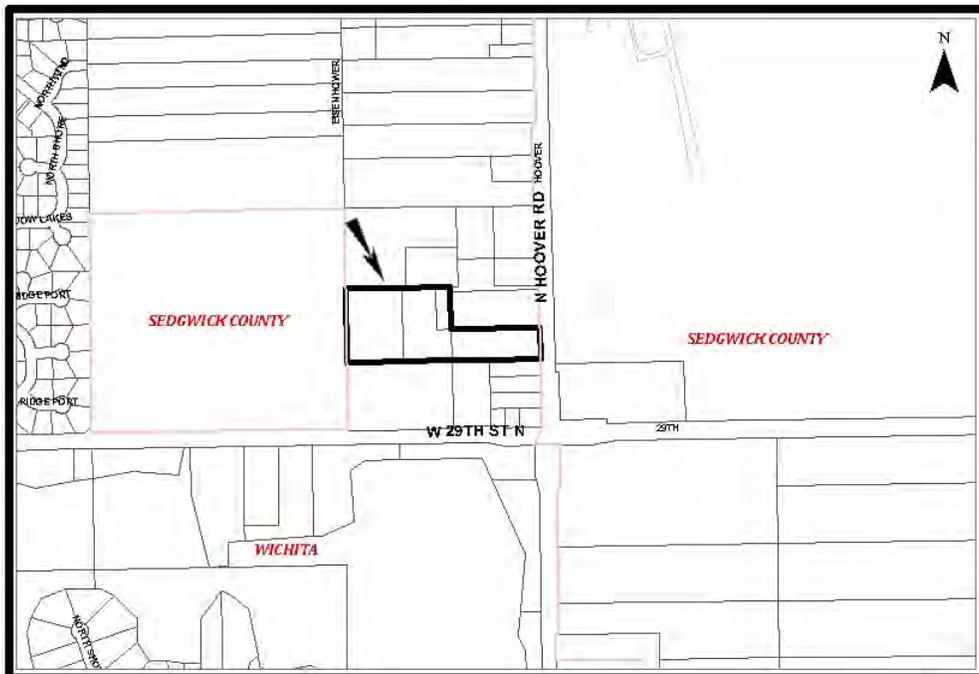
Residential:	
Office:	
Commercial:	
Industrial:	1
Total:	1

MINIMUM LOT AREA: 7.98 acres

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

PROPOSED ZONING: LI Limited Industrial

VICINITY MAP



SUB2014-00042 -- Plat of J.R. SANDLIAN ADDITION
January 8, 2015 - Page 2

NOTE: The unplatted site has been approved for a zone change (ZON2014-00003) from SF-5 Single-family Residential and LC Limited Commercial to LI Limited Industrial. A conditional use (CON2014-00011) has been approved for a wrecking and salvage yard.

STAFF COMMENTS:

- A. The applicant shall contact City of Wichita Environmental Health to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- B. City of Wichita Public Works and Utilities Department advises that sanitary sewer is not available. The applicant needs to extend water (transmission and distribution) to serve the site. A No Protest Agreement for future sewer extension is requested.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. Traffic Engineering/County Public Works has approved the access controls. The plat proposes one opening along Hoover Road.
- F. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. County Surveying advises the reference to the southwest corner of the southeast quarter of the southeast quarter of Section 34 needs removed. That point should be labeled as being 1145 feet west of the southeast corner of the southeast quarter of said Section 34.
- H. County Surveying advises the reference to the Northwest Corner of the Southeast Quarter of the Southeast Quarter of Section 34 needs removed, that point should be labeled as being 1145 feet west of the east line and on the north line of the southeast quarter of the southeast quarter of said Section 34.
- I. County Surveying would like to be contacted regarding the survey data shown along the east section line.
- J. County Surveying would like to be contacted regarding access along the north line to Hoover. Right-of-access may exist if the platlor would like to have access for ingress-egress.
- K. County Surveying advises power poles need to be located, north and south, along the Kansas Gas and Electric easement line recorded in Misc. Book 282, Page 262, recorded in 1951.

SUB2014-00042 -- Plat of J.R. SANDLIAN ADDITION
January 8, 2015 - Page 3

- L. County Surveying recommends all Kansas Gas and Electric easements that were recorded by separate instrument, Misc. Book 282, Page 262 and Misc. Book 574, Page 239 be vacated and replatted by virtue of K.S.A. 12-512b, as amended. The new easements should follow the lines as installed, dimensioned and located on the final plat.
- M. County Surveying advises the Surveyor's Certificate should include: Existing public easements, dedications and easements granted to Kansas Gas and Electric recorded in Misc. Book 282, Page 262 and Misc. Book 574, Page 239 are hereby vacated and replatted by virtue of K.S.A. 12-512b, as amended.
- N. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.

SUB2014-00042 -- Plat of J.R. SANDLIAN ADDITION
January 8, 2015 - Page 4

- V. Westar Energy advises they currently have service on these lots. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Marsha Jesse is the Construction Services Representative for the northwest area and can be contacted at (316) 261-6734.
- W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

CASE NUMBER: SUB2014-00043 – LANGE 3RD ADDITION

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

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

LOCATION: South of MacArthur Road, on the east side of West Street (District IV)

SITE SIZE: 55.86 acres

NUMBER OF LOTS

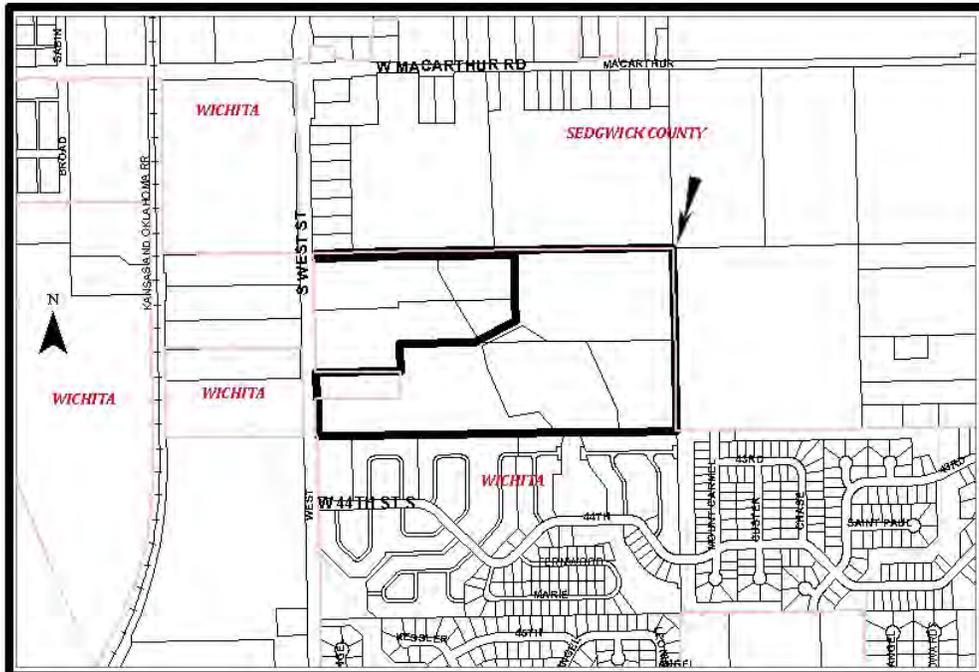
Residential:	
Office:	
Commercial:	
Industrial:	1
Total:	1

MINIMUM LOT AREA: 55.86 acres

CURRENT ZONING: SF-20 Single-family Residential, LI Limited Industrial

PROPOSED ZONING: PUD Planned Unit Development

VICINITY MAP



SUB2014-00043 -- Plat of LANGE 3RD ADDITION
January 8, 2015 - Page 2

NOTE: A portion of this site is located in the County adjoining Wichita's boundaries and annexation is required. This is a replat of Meek 1st Addition and Lange 2nd Addition. The site has been approved for a zone change (PUD2014-00002, PUD #43) from SF-20 Single-Family Residential and LI Limited Industrial to PUD Planned Unit Development.

STAFF COMMENTS:

- A. As a portion of this site is adjacent to Wichita's municipal boundaries, the Applicant shall submit a request for annexation. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that water and sewer is available from West Street to serve Buildings A, B and D. The applicant needs to extend water (distribution) and sewer (laterals) to provide water and fire protection to Buildings C, F and E. The main benefit sewer in-lieu-of-assessment fees are due. The transmission water in-lieu-of-assessment fees are due.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. Traffic Engineering has approved the access controls. The plat proposes three access openings along West Street in conformance with the PUD site plan.
- F. The term "Miscellaneous Storage" included in Reserve A should be replaced with "Outdoor Storage". Provisions shall be made for ownership and maintenance of the proposed reserve. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The applicant is advised of additional setbacks along the north, south and east property lines established by the PUD.
- I. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- J. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

SUB2014-00043 -- Plat of LANGE 3RD ADDITION
January 8, 2015 - Page 3

- K. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- L. County Surveying and MAPD request review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- M. 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.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Westar Energy advises they currently have service on these lots. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Lee Sailsbury is the Construction Services Representative for the southwest and can be contacted at (316) 261-6859

SUB2014-00043 -- Plat of LANGE 3RD ADDITION
January 8, 2015 - Page 4

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

STAFF REPORT

CASE NUMBER: VAC2014-00048 - Request to vacate a portion of platted access control

APPLICANT/AGENT: Lee Builder's, c/o Steve Lee (owner) Ruggles and Bohm, c/o Will Clevenger (agent)

LEGAL DESCRIPTION: Generally described as vacating the south 75 feet of the platted 150 feet of access control located on the north 150 feet of Lot 1, Block 1, & Lot 1, Block 2, all in the Stone Post Farm Addition's Stone Post Street frontage, Sedgwick County, Kansas.

LOCATION: Generally located west of 159th Street East, south of 53rd Street North, on both sides of Stone Post Street (BoCC #1)

REASON FOR REQUEST: Greater flexibility in the placement of the residences and the drives on the undeveloped lots

CURRENT ZONING: The site and all abutting adjacent properties are zoned RR Rural Residential.

VICINITY MAP:



The applicant proposes to vacate the south 75 feet of the platted 150 feet of access control located on the north 150 feet of the undeveloped Lot 1, Block 1, & Lot 1, Block 2, all in the Stone Post Farm Addition's Stone Post Street frontage. Lot 1, Block 1, is platted with 235 feet of frontage on Stone Post Street. Lot 1, Block 2, is platted with 250 feet of frontage on Stone Post Street. Stone Post Street is a local sand and gravel residential street. The two subject corner lots are located directly across from each other. Neither lot has access onto 53rd Street North, a sand and gravel Payne Township road. The proposed vacation would allow the drives to be located within 75 feet of the 53rd Street North – Stone Post Street intersection. The site is located in Butler County Rural Water District #5. The Stone Post Farm Addition was recorded with the Register of Deeds March 10, 2004.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time December 18, 2014, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of the platted access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate that portion platted access control along the sites' Stone Post frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto Stone Post Street.
- (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) Vacate that portion platted access control along the sites’ Stone Post frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants’ expense.
- (3) All improvements shall be according to County Standards and at the applicant’s expense, including all required County plans, permits, inspections and the construction of the drive onto Stone Post Street.
- (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.

STAFF REPORT

CASE NUMBER: VAC2014-00049 - City request to vacate a platted sanitary sewer easement

OWNER/AGENT: Harris 3 LLC (owner) Bruce Harris c/o A-OK Enterprises LLC (applicant)
Baughman Co. PA, c/o Phil Meyer (agent)

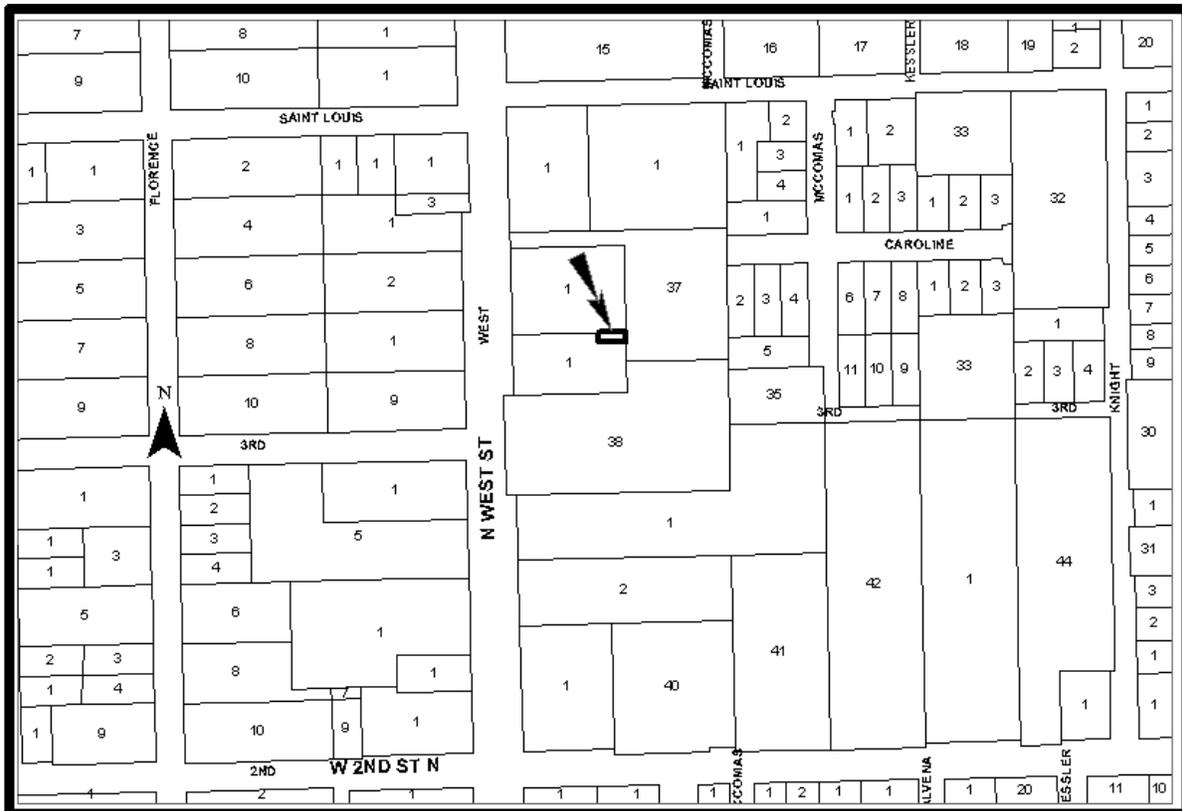
LEGAL DESCRIPTION: Generally described as vacating the platted 55-foot (x) 20-foot wide sanitary sewer easement located in the northeast corner of Lot 1, George’s West Addition, Sedgwick County, Kansas.

LOCATION: Generally located between 2nd Street and St Louis Avenue on the east side of West Street (410 N. West Street - WCC #VI)

REASON FOR REQUEST: Additional room to build

CURRENT ZONING: The site and the abutting and adjacent southern, northern and western properties are zoned LC Limited Commercial. Abutting western properties are zoned LC and SF-5 Single-Family Residential.

VICINITY MAP:



The applicants propose to vacate the platted 55-foot (x) 20-foot wide sanitary sewer easement located in the northeast corner of Lot 1, George's West Addition. There is a sewer line and manholes located in the subject easement. Marsha Jesse is the Westar Construction Services Representative for the northwest area and can be contacted at (316) 261-6734. The George's West Addition was recorded with the Register of Deeds August May 16, 1994.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted sanitary sewer 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 December 18, 2014, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of the platted sanitary sewer 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 and sewer manhole 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 plan number for the abandonment /relocation of public sewer line and sewer manholes. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) 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.
- (3) 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 and sewer manhole 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 plan number for the abandonment /relocation of public sewer line and sewer manholes. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) 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.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT
 DAB II 1-6-2015
 MAPC 1-8-2015

CASE NUMBER: ZON2014-00031

APPLICANT/AGENT: Stratford Apts. East & West, LLC (Robert G. Hanson) / Baughman Company, P.A. (Russ Ewy)

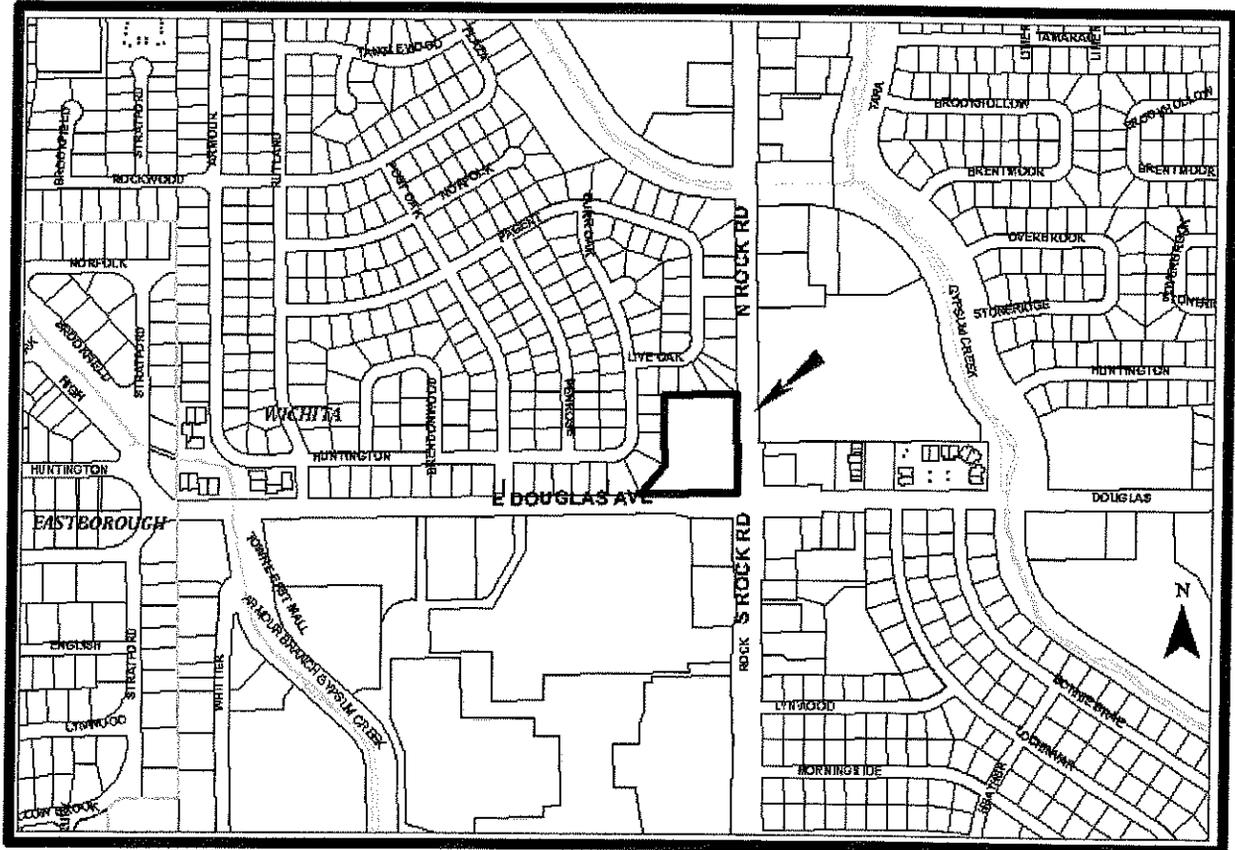
REQUEST: LC Limited Commercial

CURRENT ZONING: B Multi-Family Residential

SITE SIZE: 3.74 acres

LOCATION: Northwest corner of East Douglas Avenue and North Rock Road (7802 East Douglas Avenue)

PROPOSED USE: Commercial uses



BACKGROUND: The applicant is seeking to rezone the northwest corner of North Rock Road and East Douglas Avenue (7802 East Douglas Avenue) from the B Multi-Family Residential (B) district to the Limited Commercial (LC) district. The site contains 3.74 acres that were developed with a 104-unit apartment complex built sometime shortly after 1968. If the request is approved the applicant intends to redevelop the site to permit a wider range of uses than just residential uses. (See item A below for the proposed list of allowed uses.) The site has three access points; two on East Douglas Avenue and one on North Rock Road. On Douglas Avenue platted access control allows two driveways to be located 150 feet west of Rock Road. On Rock Road platted access control allows two driveways to be located 150 feet north of Douglas Avenue. A six-foot tall wood fence is located along the southwest, west and north property line. A masonry fence is located along the east property line that abuts Rock Road, and along a 10 to 15-foot segment of East Douglas Avenue located just west of Rock Road. The property is platted as Rockwood Reserve 'A' Addition. A platted eight-foot wide utility easement is located along the southwest, west and north property boundary. A 30-foot wide Continental Pipeline easement is located along Rock Road.

The applicant is offering the following development standards (Unified Zoning Code (UZC) comparisons and staff recommendations and comments are provided in italics, underlined or struck-through):

A. Uses permitted shall be limited to the following "LC" Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, convenience store, general office, personal care service, personal improvement service, restaurant and general retail provided the restaurant does not exceed 8,000 square feet in size. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material. *The LC district permits by right 56 retail, commercial, office and residential uses. Drive-thru restaurant and convenience store should be prohibited given the small size of the site, and the close proximity of single-family and two-family uses. Drive-thru restaurants and convenience stores have the capacity to generate increased levels of noise due to order boards and gas pump speakers and significant amounts of debris and litter.*

B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay. *The requirements of the Landscape Ordinance are triggered when redevelopment costs exceed 50 percent of the site's appraised value or when new parking spaces are installed. The requirements of the Landscape Ordinance are divided between three areas. A minimum amount of landscaping (landscaped street yard) is required to be installed in front of the front façade of the buildings. A landscape buffer of one tree per 40 feet is required where nonresidential uses abut residential uses. Parking spaces located within 150 feet of a street are required to be screened with plants that will ultimately be three feet tall.*

C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials. *Required by the Landscape Ordinance.*

D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. *The proposed masonry wall exceeds the screening typically required by just a zone change. The proposed screening wall will have to be located outside of the utility easement located along the north, west and southwest property lines. Occupancy*

permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.

E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties. *The UZC requires light poles located within 200 feet of residential uses to be not taller than 15 feet, including base, and requires light fixtures to keep light from trespassing onto abutting property.*

F. Building setbacks shall be a minimum of 15 feet along the north, 50 feet along the west and southwest property lines, and 35 feet along the arterial frontages. *Basic building setbacks in the LC district are: front (south property line)-20 feet; rear (north property line)-10 feet; interior side (west property line)-zero or five feet; street side (east property line)-10 feet; however, compatibility setbacks for a site as large as the subject tract, which overrides base zoning district minimums, require 25-foot building setbacks along interior side (west) and rear (north) yards adjacent to single-family or two-family zoning. The applicant's proposed 15-foot setback along the north property line should be 25 feet.*

G. Maximum building height is limited to 35 feet. *The LC district permits building heights up to 80 feet by right and taller buildings with greater than minimum building setbacks. Without the proposed height limitation, UZC compatibility height standards would allow buildings located over 50 feet from the north and west property line to increase in height above 35 feet at the ratio of one foot in height for each additional three feet of setback over 50 feet.*

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade. *Complies with UZC requirements.*

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the "LC" zoning district. *The LC district allows signs to be up to 25 feet in height, and up to 35 feet if the maximum number of signs allowed are not installed. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.*

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards. No order boards are permitted in setbacks. *Staff recommends no drive-thru restaurants be allowed, which would eliminate the need for order boards.*

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits. The site plan shall ensure internal circulation within the parcel(s). In the event there is a full turning movement drive to Rock Road, the applicant shall provide a guarantee for the construction of a raised median within Rock Road. *The traffic engineer will support a full movement driveway in the northern segment of the Rock Road frontage and right-in/right-out drive with a raised median in the southern segment of the Rock Road frontage.*

Properties located to the north and west of the application area are overwhelmingly zoned Single-Family

Residential (SF-5) and developed with single-family residences. There is one ownership abutting the north property line of the application area that is zoned Two-Family Residential (TF-3) and developed with a duplex. Properties located east, across Rock Road, are zoned B and LC, and are developed with an apartment complex and retail and office uses. Land located south of the subject site, across Douglas Avenue, is zoned LC subject to the development standards contained in Community Unit Plan DP-12, and is developed with Towne East Mall, a regional shopping center.

If 30 percent of the site were developed with 48,874 square feet of retail sales the site could generate an estimated average daily traffic volume of 2,052 trips. During peak hours, a convenience store can generate 79 to 97 average daily vehicle trips per 1,000 square feet. Using the previously noted traffic generation rates, a 5,800 square-foot convenience store could generate 458 to 562 average daily vehicle trips during the peak hour.

CASE HISTORY: Rockwood Reserve 'A' Addition was platted in 1967.

ADJACENT ZONING AND LAND USE:

North: SF-5, TF-3; single-family residences
South: LC subject to CUP DP-12; regional shopping center
East: B, LC; multi-family residential complex, retail and convenience shopping
West: SF-5; single-family residential

PUBLIC SERVICES: East Douglas Avenue is a four-lane arterial with east-bound left-turn and right-turn lanes at the intersection with Rock Road. East-bound East Douglas Avenue carries an average of 11,893 vehicles on a daily basis. West-bound East Douglas Avenue carries over 11,000 average daily vehicle trips. North Rock Road at its intersection with East Douglas Avenue is a six-lane arterial with right-turn and left-turn lanes. North Rock Road at East Douglas Avenue carries between 18,560 and 28,542 average daily vehicle trips.

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 larger urban municipality. The range of housing types includes single detached homes, semi-detached, duplexes, apartments, condominiums and special residential accommodations for the elderly. The comprehensive plan's commercial locational guidelines indicate that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. Commercial uses should be located in compact clusters or nodes versus extended strip developments, and should not feed directly onto local residential streets.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that LC zoning be approved, subject to the development standards contained in Protective Overlay #294:

A. Uses permitted shall be limited to the following "LC" Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, general office, personal care service, personal improvement service, sit-down restaurant and general retail provided the restaurant does not exceed 8,000 square feet in size. The

following uses are is specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, convenience store, drive-thru restaurant entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material.

B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay.

C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials.

D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.

E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties.

F. Building setbacks shall be a minimum of 25 feet along the north, 50 feet along the west and southwest property lines and 35 feet along the arterial frontages.

G. Maximum building height is limited to 35 feet.

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade.

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the "LC" zoning district. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted.

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. One full movement driveway located in the northern half of the Rock Road frontage and one right-in/right-out drive with a raised median drive (up to the full movement drive) in the southern segment of the Rock Road frontage are permitted.

N. Prior to the issuance of building permits, the property owner shall dedicate two additional feet of utility easement along the north, west and southwest property line.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area can be viewed as the southeast corner of a larger neighborhood that continues to be an economically stable and very desirable residential area, or it can be viewed as the northwest corner of the Rock Road-Douglas Avenue intersection that is one of Wichita's more economically significant intersections. Towne East Mall, located to the south of the application area that is permitted over 1 million square feet of gross floor area of retail shopping, is a regionally significant mall generating sizable vehicle trips per day. The Rock Road-East Douglas Avenue intersection carries 11,000 to 28,000 average daily vehicle trips. The southeast corner is developed with a convenience store. Farther south of the convenience store are additional retail uses such as fast food restaurants, a car wash, office and retail uses. The northeast corner of the intersection contains additional retail, office and residential uses. Rock Road frontage is highly desirable.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned B Multi-family, which permits a wide range of residential uses—single-family through multi-family—and a few nonresidential uses such as medical offices and facilities. The site is currently developed with an apartment complex built shortly after 1968. As currently zoned and developed, the site has economic value, but probably not as much as if the site were rezoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will permit the development of retail and other commercial uses on property that abuts the rear of predominantly single-family lots. Commercial uses generally have higher traffic volumes, noise, lighting and debris than residential uses. However, the development standards contained in the proposed protective overlay and other code required development standards should minimize anticipated impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would add to the amount of commercial zoning located along Rock Road. Denial would presumably represent a loss of economic opportunity to the applicant or the property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a larger urban municipality. The range of housing types includes single detached homes, semi-detached, duplexes, apartments, condominiums and special residential accommodations for the elderly. The comprehensive plan's commercial locational guidelines indicate that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. Commercial uses should be located in compact clusters or nodes versus extended strip developments, and should not feed directly onto local residential streets.
6. Impact of the proposed development on community facilities: The request for two additional feet of utility easement will bring the existing easement up to current standards. The request for access control for one right-in/right-out access point to Rock Road addresses traffic concerns on Rock Road.