

Table of Contents

| | |
|--|----|
| Agenda | 2 |
| December 4, 2014 | |
| DRAFT 12-4-14 MAPC MINUTES | 4 |
| SUB2014-00041 | |
| Hedge Acres Addition -MAPC STAFF RPT -SUB2014 41 | 26 |
| SUB2014-00044 | |
| Greiffenstein Square No. 2 -MAPC STAFF RPT - SUB2014 44 | 30 |
| VAC2014-00050 | |
| VAC2014 50 -MAPC STAFF RPT. | 34 |
| VAC2014-00051 | |
| VAC2014 51 -MAPC STAFF RPT. | 37 |
| CON2014-00033 | |
| CON2014-00033 Staff Report and Site Plan | 41 |
| CON2014-00034 | |
| CON2014-00034 Staff Report and Site Plan | 46 |
| CUP2014-00042 | |
| CUP20014-00042 Staff Report and Site Plan. | 52 |
| PUD2014-00003 | |
| PUD2014-00003 Staff Report and Site Plan | 57 |
| DER2015-00001 | |
| DER20015-00001 Staff Report | 68 |

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, January 22, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, January 22, 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 4, 2014

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2014-00041: Final Plat – HEDGE ACRES ADDITION**, located on the North side of US 54 Highway, on the west side of 231st Street West.

Committee Action: C.Warren motioned Final Plat be approved as presented including Item E of staff report. APPROVED 2-0

Surveyor: Baughman Company, P.A.

Acreage: 22.48

Total Lots: 2

- 2-2. **SUB2014-00044: One-Step Final Plat – GREIFFENSTEIN SQUARE NO. 2 ADDITION**, located on the south side of 21st Street North, west of 119th Street West.

Committee Action: C.Warren motioned that landscaping requirements be met. APPROVED 2-0

Surveyor: Kaw Valley Engineering, Inc.

Acreage: 3.98

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. **VAC2014-00050: City request to vacate a platted reserve and amend the plattor's text to allow additional uses in the reserve on property**, generally located on the south side of 37th Street North and west of I-135.

Committee Action: APPROVED 2-0

- 3-2. **VAC2014-00051: City request to vacate that portion of Santa Fe right-of-way**, located north of Douglas Avenue and south of a platted east to west alley.

Committee Action: APPROVED 2-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

- 4. Case No.: CON2014-00033
Request: City Conditional Use request to permit rock crushing on GI General Industrial zoned property.
General Location: East of Broadway Avenue at 302 East 25th Street North.
Presenting Planner: Dale Miller

- 5. Case No.: CON2014-00034
Request: City Conditional Use request for outdoor car sales on LC Limited Commercial zoned property.
General Location: West of Sheridan/Zoo Boulevard on the north side of Central Avenue.
Presenting Planner: Dale Miller

- 6. Case No.: CUP2014-00042
Request: City request for a minor amendment to Parcel 8 and General Provision 28 of the LC Limited Commercial zoned CUP-DP 313 to allow a convenience store.
General Location: On the southeast corner of Central Avenue and 127th Street East.
Presenting Planner: Dale Miller

- 7. Case No.: PUD2014-00003
Request: County request for a Planned Unit Development on 21 acres of RR Rural Residential property.
General Location: Mid-mile between 263rd and 247th Streets West on the south side of 63rd Street South.
Presenting Planner: Bill Longnecker

NON-PUBLIC HEARING ITEMS

- 8. Case No.: DER2015-00001
Request: Presentation and briefing on the Working Draft Community Investments Plan 2015-2035, a new comprehensive plan for Wichita-Sedgwick County.
General Location: City/County-wide
Presenters: John Schlegel, Cindy Miles (Plan Steering Committee Co-Chairs)

9. Other Matters/Adjournment

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

December 4, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, December 4, 2014 at 1:40 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Carol Neugent, Vice Chair; David Foster; Bill Johnson; Joe Johnson; Don Klausmeyer; John McKay, Jr; Bill Ramsey and Chuck Warren. David Dennis; Matt Goolsby; M.S. Mitchell; Debra Miller Stevens; 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 6, 2014 meeting minutes.

MOTION: To approve the November 6, 2014 Planning Commission minutes.

MCKAY moved, FOSTER seconded the motion, and it carried (7-0-1). J. JOHNSON – Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

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

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

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

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

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

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

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

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

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

STAFF COMMENTS:

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

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

C. City Stormwater Management has approved the drainage plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEIL STRAHL, Planning Staff presented the Staff Report. He said this item was approved by the Subdivision Committee last week 2-0; however, they felt that Item K. on the Staff Report should be deferred and heard by the full Planning Commission. He referred to item G. (formerly Item K. on the Staff Report) regarding emergency access. He gave a brief background on the item stating that this was a revised plat and that the original plat had been approved in 2011. He said the site is a nine-acre lot located west of Rock road on the South side of Kellogg. He said the applicant obtained additional property to the southwest and extended the plat. He said that portion of the property was rezoned to LC to be used as an employee parking lot. He said the original plat vacated a portion of Whittier Street which left a dead end south of the plat. He said part of that plat approval was to pave a turnaround at that point. He said that left a 750 foot cul-de-sac on Whittier Street down to the closest intersection. He said prior to submittal of the current plat, the applicant paved the turnaround; however, it does not meet current City Fire Code. He said as part of the new plat, the City Fire Department has requested an emergency access drive west through the employee parking out to Gouverneur. He said that will provide ample circulation for fire vehicles that they currently do not have. He said the applicant is opposed to the access drive and the Subdivision Committee felt that the matter should be reviewed by the entire Planning Commission. He introduced Stuart Bevis, Fire Prevention Battalion Chief who he said would explain the specific Fire Department needs.

STUART BEVIS, BATTALION CHIEF, FIRE PREVENTION, WICHITA FIRE DEPARTMENT referred to an aerial of the Whittier Street dead end, concrete wall and property to the north. He said the vehicle turnaround provided measures 60 feet from end to end. He said the minimum turnaround required by the Fire Code is 120 feet or 60 feet on the center. He said the hammerhead at this location does not meet Fire Code requirements. He said the Fire Department needs an appropriate turn around for apparatus so they don't have to back a fire truck down the street if they have to respond to an alarm at the location. He said on the east there is an approach to a home that people may use for parking so they may not be able to utilize that. He said to the west there is a plan for employee parking. He said a solution they came up with was for the applicant to give the Fire Department an easement with a gate so they can drive through the parking lot to Gouverneur.

MCKAY asked if Staff has talked to the applicant.

BEVIS said the issue of access came up in last week's Subdivision Meeting.

MCKAY asked if the applicant extended the hammerhead 40-50 feet to the west, would that work.

BEVIS said if the hammerhead was extended to fit into the guidelines that would work.

MCKAY suggested staff go back to the applicant, figure something out and come back to the Planning Commission.

FOSTER clarified that the Subdivision Committee looked at the issue in terms of the impact on the neighborhood and general safety. He said they felt it was such a broad and significant question that it needed to be discussed by the entire Planning Commission. He said one of the solutions discussed was a wooden gate that would serve as the access the Fire Department needed.

PHIL MEYER, BAUGHMAN COMPANY, PA, 315 ELLIS, AGENT FOR THE APPLICANT asked if Commissioner McKay had a specific question.

MCKAY asked if the applicant would be willing to extend the hammerhead to the west.

MEYER said that was the applicant's least favorite option.

MCKAY asked what was the applicant's favorite option.

MEYER mentioned the concrete wall at the location which he said would stay in place. He said the applicant purchased four lots to be used for employee parking at the site. He said the concrete wall will have one access opening from the parking lot into the dealership. He said the only way the parking lot will work is with angled parking. He said the hammerhead is two years old, that it just got built and had been previously approved by the Fire Department and City Engineering staff. He said they are attempting to get the plat approved with the hammerhead that was previously approved. He mentioned that hammerheads or turnarounds of the same size and dimension exist up and down Kellogg at multiple locations. He said that is their first point of appeal, that this was approved two years ago, please doesn't make them change it now. He said they don't want to extend the hammerhead because that will damage the parking lot more than providing emergency access through the parking lot. He said if they provide emergency access through the parking lot, they will have to widen the drive to the south and install a gate. He said they can make that happen. He concluded by reiterating that the hammerhead just got built and was previously approved by City departments.

BEVIS commented that he was not in his present position when this was approved; however, he said if nothing was going to happen at the location they may have looked at this as pre-existing, non-compliant. He said Fire personnel will encounter a "sticky situation" if they have to respond to an alarm at the location. He said Fire staff view this as an opportunity to make this right and compliant with the City Fire Code. He said City Fire trucks are too big to use the turnaround. He said providing emergency access is not what they would prefer, and he does not know why a full cul-de-sac was not required at the time of approval. He said the Fire Department is requesting a remedy for this situation at the present time.

FOSTER asked about other hammerheads like this buried in neighborhoods, versus those closer to Kellogg.

BEVIS commented that he has no specific examples of similar hammerheads.

MCKAY commented that there are numerous hammerheads on the south side of Kellogg in residential districts. He added that there are a bunch of hammerheads on both sides of Kellogg.

BEVIS responded that this was the only hammerhead he can address.

RAMSEY clarified that there was no way for a Fire truck to turnaround at the location that they would have to back down the street.

BEVIS he said most Fire trucks at between 33 – 48 feet long and some with aerial platforms weigh over 80,000 pounds. He said even with back cameras, backing 750 feet down a curved street is dangerous.

WARREN asked about cost factors and if any of the alternatives would cost them employee parking spaces. He asked what was the driving factor to the applicant's appeal.

MEYER said revising the hammerhead would cost the applicant parking stalls and the access point/pedestrian walkway into the dealership. He said the compromise solution of an emergency access though the parking lot is a better alternative for the applicant because they can leave the parking the way it has been designed which was their preference. He concluded by stating that there are 20 or more hammerheads similar to this up and down Kellogg so this situation is not unusual.

RAMSEY asked if the applicant was comfortable with the fact that the Fire truck couldn't turn around and would have to back up.

MEYER said this is happening up and down Kellogg. He asked if the Fire Department will bother to unlock the gate and go through the parking lot or just back the truck out any way.

MCKAY asked what if the parking lot was not tied back to the original plat.

STRAHL said the replat is tied to the original property to the north and will have the same requirement because the Fire Department still needs access.

MCKAY said he has a problem changing rules in midstream on something that is already existing.

STRAHL said the additional property changes and circumstances triggered the new requirement.

BEVIS said they understand pre-existing, non-compliant situations that for whatever reason something was approved that doesn't meet Code. He said when an opportunity comes up to fix it, they like to remedy the situation. He said they would ask for signs on the gate that indicate it is for emergency access only because Fire staff does not want to back the truck up 750 feet.

MCKAY asked for clarification on the number and location of gates on the parking lot.

MEYER indicated that the emergency access gate would be located on the east side off of Whittier Street. He said the west access will just be a regular drive for employees and not gated.

B. JOHNSON asked about screening the parking lot.

MEYER said there is a temporary wood fence on the south and east of the site. He said they can make the gate cedar fence or chain link fence with slates in it.

B. JOHNSON said if it a wooden gate is not used very often, it probably won't be in condition to be opened if and when you need it. He said this is an awkward situation if this was approved only two years ago. He asked if that was the standard two years ago.

MEYER admitted that the design did not meet Code back then but it got approved because the 60 foot hammerhead used all the space they had to use. He said he believes it got approved because the same situation exists on multiple streets both north and south of Kellogg.

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

WARREN moved, **MCKAY** seconded the motion.

FOSTER said he believes this is a rare opportunity in land use decisions to correct an unsafe condition relatively easily.

SUBSTITUTE MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation with requirement G.

FOSTER moved, **RAMSEY** seconded the motion, and it failed (4-4). **J. JOHNSON, KLAUSMEYER, MCKAY** and **WARREN** – No.

The **ORIGINAL MOTION** passed (5-3). **FOSTER, NEUGENT** and **RAMSEY** – No.

3. **PUBLIC HEARING – VACATION ITEMS**

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

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

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

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

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

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

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

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

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 13, 2014, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of platted street right of-ways and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

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

- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants, at the applicants' expense and shall be to City Standards. Provide any needed plans for review and approval to all utilities as needed. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to the City Council and subsequent recording with the Register of Deeds. Contact Becky Thompson, the Westar Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.
- (3) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the city Council and subsequent recording with the Register of Deeds.
- (4) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

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

- (3) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the city Council and subsequent recording with the Register of Deeds.
- (4) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (8-0).

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

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

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

LOCATION: Generally located south of Central Avenue on the east side of Oliver Avenue & on the north side of 2nd Street (WCC # 1)

REASON FOR REQUEST: Expansion of school facilities

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

The applicant proposes to vacate the described portion of the platted north-south 20-foot wide sewer easement located in Lot 1, Block A, Robinson Junior High Addition. There is a manhole, sewer line and stormwater located in the subject sewer easement. Westar has a guy wire in the easement and a portion of the easement will be retained to cover the guy wire; Condition #1 will cover Westar. Becky

Thompson is the Construction Services Representative for the NE Area and can be contacted at (316) 261-6320. The Robinson Junior High Addition was recorded with the Register of Deeds April 14, 1978.

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

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 13, 2014, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of platted easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) of the public sewer line, sewer manhole and stormwater utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS/stormwater plan number for the abandonment /relocation of public sewer line, sewer manhole and stormwater utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Contact Becky Thompson, the Westar Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.
- (3) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions

- (1) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) of the public sewer line, sewer manhole and stormwater utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS/stormwater plan number for the abandonment /relocation of public sewer line, sewer manhole and stormwater utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Contact Becky Thompson, the Westar Construction Services Representative for the NE Area, at (316) 261-6320 to resolve the issue of Westar equipment being in the vacation area. The applicant must provide approval from Westar prior to this case proceeds to City Council for final action.
- (3) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (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.

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

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (8-0).

PUBLIC HEARINGS

4. **Case No.: ZON2014-00029** - Rick Hopper (applicant) request a City zone change from SF-5 Single-family Residential to MF-18 Multi-family Residential on property described as:

Lot 297 EXCPT the North 15 feet and all of lots 298, 299, 300, 301 and 302, Supplemental Plat of Rosenthal's 5th Addition to Wichita, Sedgwick County, Kansas.

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

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

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

CASE HISTORY: None identified.

ADJACENT ZONING AND LAND USE:

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

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

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide Map, adopted in May 2005, indicates the site is appropriate for “urban residential” uses. The “urban residential” category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, duplexes, townhouses, apartments and multi-family units. “Residential locational guidelines” contained in the May 2005 update of the comprehensive plan state that medium and high-density residential uses should: 1) be allocated within walking distance of neighborhood commercial centers, parks, schools, public transportation routes, concentrations of employment, major thoroughfares and utility trunk lines; 2) have direct access to arterial or collector streets and 3) not overload or create congestion in existing and planned facilities.

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

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land located to the north is zoned TF-3 but is developed with two single-family residences located on two separate parcels. Land located to the northeast, across West Funston Street, is zoned TF-3 and SF-5, and is developed with single-family residences. Lots located to the east are zoned SF-5 and developed with single-family residences. Farther east, across South Exchange Place, are lots zoned TF-3; however, most of the lots are developed with single-family residences. There is a property or two located east of South Exchange Place that is developed with a duplex. Land located to the south is predominantly zoned SF-5 and developed with single-family residences. The application area is located at the junction of South Silver Street and Greenway Boulevard. Greenway Boulevard functions much like a collector street and minimizes traffic through the immediate neighborhood.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned SF-5, which primarily permits by-right single-family residences and a few civic or institutional uses, such as churches or schools. Staff does not have any information on the structural condition of the existing homes; however, the county’s appraised value is \$26,300 and \$30,580. Presumably the site could be redeveloped with single-family residences that would have the potential to provide an economic return. With an administrative adjustment or variance for minimum lot width, theoretically the application area could be redeveloped with three single-family residences.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of MF-18 zoning will introduce a more intense zoning district than the SF-5 and TF-3 districts currently found in the larger area surrounding the application area. The most common zoning in the area is SF-5 with a few TF-3 zoned lots. The usual objections to multi-family zoning center on the premise that rental property is not maintained to the same level and owner-occupied property and that rental units generate difficulties with parking and increased EMS or police calls. Staff does not have any documentation to verify those allegations.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would presumably provide the applicant with a greater economic opportunity and would add to the number of dwelling units within the community. Denial would presumably represent some loss of economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide Map, adopted in May 2005, indicates the site is appropriate for “urban residential” uses. The “urban residential” category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, duplexes, townhouses, apartments and multi-family units. “Residential locational guidelines” contained in the May 2005 update of the comprehensive plan state that medium and high-density residential uses should: 1) be allocated within walking distance of neighborhood commercial centers, parks, schools, public transportation routes, concentrations of employment, major thoroughfares and utility trunk lines; 2) have direct access to arterial or collector streets and 3) not overload or create congestion in existing and planned facilities. The site has nearly direct access to a street that functions as a collector street. The comprehensive plan’s urban residential category does not make a distinction between single-family and multi-family uses. That distinction is left up to the zoning surrounding each application area, which in this case, is SF-5 and TF-3.
6. Impact of the proposed development on community facilities: Existing facilities are in place to accommodate expected demands on city services. If approved, the requirement for a no-protest agreement for the paving of South Silver Street addresses anticipated impacts.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to the staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (8-0).

5. Case No.: ZON2014-00030 - Shirley A. Brown (owner); Tim Dugger (contract purchaser) / Kaw Valley Engineering (Tim Austin) request a City zone change from LC Limited Commercial to CBD Central Business District on property described as:

Lots 25 and 27 together with Lot 29 and the 17 inch party wall adjacent to said lot, all on Chicago now Douglas Avenue, West Wichita Addition to Wichita, Sedgwick County, Kansas.

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

District (CBD) zoning since the CBD district does not require the owner to provide off-street parking spaces.

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

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

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

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

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

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

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

ADJACENT ZONING AND LAND USE:

North: LI; warehouse

South: LC and LI; retail sales, office, personal services, restaurants

East: LC; retails sales, restaurants
West: LC; vacant retail sales building, restaurants

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

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

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

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land located north of the application area, across an alley, is zoned LI and appears to be a warehouse. The property located to the east is zoned LC and developed with retail and restaurant uses. Lots located to the south, across West Douglas Avenue, are zoned LC and LI and developed with retail uses, offices and restaurants. Property located to the west is zoned LC and is a vacant retail sales building and restaurants. The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were not any requirements for property owners to provide off-street parking. Therefore, many of the uses in the Delano District do not have the minimum code required off-street parking, and have been supported by public on-street parking.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC, subject to the D-O Overlay, which permits a wide range of uses – single-family, multi-family, office and retail sales. Surrounding property is zoned similarly as the subject site. As currently zoned, the site could likely be put to economic use.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The CBD district permits a broader range of commercial uses; however, the D-O district prohibits a significant range of uses regardless of a site's base zoning: adult entertainment, correctional facilities, correctional placement facilities or off-site signage. The D-O district also requires a substantial number of uses to obtain "conditional use" approval even though the use may be a permitted use by the base zoning district: car wash, manufacturing, warehousing or wholesale or business services. Because of the overlay zoning district, approval of the request should not negatively impact nearby uses.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Denial of the request will make redevelopment of the site much more difficult as the developer will need to find additional parking. Approval could potentially increase the poaching of existing off-street parking spaces. However, staff does not have any studies to quantify that concern. It is in the community's best interest to have existing buildings occupied.

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

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to the staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (8-0).

6. **Case No.: CON2014-00032** – Raw Investments, Inc. and Shapiro Metals (owner/applicant) and Ferris Consulting, c/o Greg Ferris (agent) request a City Conditional Use for wrecking and salvage (indoor industrial scrap metal) on LI Limited Industrial zoned property on property described as:

The South 180.18 feet of lot 8, Westport Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas.

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

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

The UZC's supplemental use regulations for a Conditional Use for a wreacking and salvage yard in the LI zoning district are:

- (1) The site is not abutting an arterial street, expressway or freeway. *The site does not abut an arterial street, expressway or freeway. The site does have direct access onto Kessler Street, a local industrial road, which does intersect with the arterial street Pawnee Avenue, approximately 280 feet north of the site. The applicant has also stated that the site also has direct access to the west abutting railroad.*
- (2) In the opinion of the Planning Commission, will not adversely affect the character of the neighborhood.
- (3) The site is enclosed by a fence or wall not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence. *The walls of the 36,580-square foot building will screen the scrap metal most of the time except for the times the scrap metal will be loaded*

onto and off of trucks and that could be for a period of no more than eight-hours (see attached letter). The site's building has three loading docks on its south side.

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

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

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

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

1. The indoor recycling of industrial scrap metal will located entirely within the 36,580-square foot building, which will screen the scrap metal except for the times the scrap metal will be loaded onto and off of trucks and that could be for a period of no more than eight-hours. Loading of the recycled industrial scrap metal onto railroad cars located on the west, abutting railroad tracks will not be considered outdoor storage.
2. Any stockpiling of fuels or chemicals on this site must be approved by the Wichita Environmental Services.
3. The applicant shall meet all permitting, reporting and operating requirements as necessary per the local, state and federal levels on this site.
4. The level of noise generated by the recycling of industrial scrap metal not exceed community standards as specified by City Ordinance and determined by the Wichita Environmental Services.
5. All improvement to the site shall be per City Standards.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

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

2. The suitability of the subject property for the uses to which it has been restricted: The vacant property could be used as an office-warehouse or any of a number of the permitted uses in the LI zoning district that would use a 36,580-square foot building that affords limited parking.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed indoor recycling of industrial scrap metals introduces a new type of wrecking and salvage into the area's development of mostly office-warehouse, some steel fabrication, a private airstrip, and various manufacturing facilities. West of the site, across an active railroad track there is an outdoor auto wrecking and salvage yard; wrecking and salvage per the UZC, Art II, Sec II-B.14r. The proposed conditions of the Conditional Use attempt to minimize these concerns and will give the proposed facility the appearance more similar to an office-warehouse than a wrecking and salvage.
4. Length of time subject property has remained vacant as zoned: The applicant has stated that the site has been vacant for over a year.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies the subject site's location as appropriate for the "employment/ industry center" category's development. Development types listed in this category include manufacturing and fabrication facilities, warehouse and shipping centers, call centers and corporate offices. Development in the site's immediate area is mostly office-warehouse, a private airstrip, a meat processing manufacturing facility, a paint and body shop with outdoor storage and an auto salvage yard. The proposed indoor recycling of industrial scrap metal facility seems appropriate for the employment/ industry center category and not out of character with the area.

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

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

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

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to the staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (8-0).

NON-PUBLIC HEARING ITEMS

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 2:15 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: SUB2014-00041 – HEDGE ACRES ADDITION

OWNER/APPLICANT: Gregory L. Zenner Revocable Trust, Attn: Greg Zenner, PO Box 757, Goddard, KS 67052

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

LOCATION: North side of U.S. 54 Highway, on the west side of 231st Street West (County District III)

SITE SIZE: 22.48 acres

NUMBER OF LOTS

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

MINIMUM LOT AREA: 6 acres

CURRENT ZONING: RR Rural Residential

PROPOSED ZONING: Same

VICINITY MAP



SUB2014-00041 – Plat of HEDGE ACRES ADDITION
January 22, 2015 - Page 2

NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Goddard Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. The applicant proposes sewage lagoons which require 4.5 net acres per lot per the Subdivision Regulations, however the Zoning Code permits a 25% reduction in lot area (to 3.38 acres) due to street dedications. The net area of each lot conforms to Codes after reduction of lot area due to the proposed U.S. 54 Highway dedication.
- B. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to Sedgwick Metropolitan Area Building and Construction Department to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water and sewer.
- 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. County Public Works has approved the drainage plan. If more than one acre is disturbed a stormwater permit and a Notice of Intent from the state is needed.
- E. The plat denotes one opening along 231st Street West and one joint opening along U.S. 54 Highway. The plat's text states: “The opening along 231st Street West shall remain in effect until such time as the north right-of-way line of the proposed access road lying north of and abutting relocated U.S. Highway 54 is established and said access road is constructed. At such time the access opening to 231st Street West shall be closed and one access opening shall be granted across the north right-of-way line of said proposed access road for the benefit of that part of Lot 1, Block A lying north of and abutting the north right-of-way line of said proposed access road. Any existing drive to 231st Street West will need to be relocated to align with the granted access opening to the frontage road. Sedgwick County shall not be responsible for any costs associated with the relocation of said drive. Any modification to the existing access points on US-54 would be subject to KDOT Access Management Policy and would require a permit.” County Public Works has approved the openings and requested the plat's text be revised to state: “Property owner shall be responsible for any costs associated with the relocation of said drive.”
- F. KDOT has advised that US-54 Highway is planned to go over 231st Street at this intersection with no interchange. The right-of-way needs on 231st Street would be per the County's standard. The future right-of-way shown on the plat for the re-located US-54 Highway and associated frontage road shown on the plat should be adequate if it was obtained from the plans produced by PEC for the upgrade of US-54 to freeway. The plat's text includes the language: “Any modification to the existing access points on US-54 would be subject to KDOT Access Management Policy and would require a permit.”
- G. The joint access easement shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.

SUB2014-00041 – Plat of HEDGE ACRES ADDITION
January 22, 2015 - Page 3

- H. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- I. The applicant is advised that due to encroachment of a portion of the proposed U.S. 54 Highway on this plat, the property is subject to meeting the requirements of the Corridor Preservation Plan Overlay District (CP-O) prior to the issuance of any building permits.
- J. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The 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.
- M. 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.)
- N. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- O. 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.
- P. 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.
- Q. 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.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

SUB2014-00041 – Plat of HEDGE ACRES ADDITION
January 22, 2015 - Page 4

T. 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: SUB2014-00044 – GREIFFENSTEIN SQUARE NO. 2 ADDITION

OWNER/APPLICANT: Kimberly Fielding, 12725 West 21st Street North, Wichita, KS 67235

AGENT: Kaw Valley Engineering, Inc., Attn: Scott Servis, 200 North Emporia, Suite 100, Wichita, KS 67202

SURVEYOR: Kaw Valley Engineering, Attn: Jason Loader, 2319 North Jackson Street, Junction City, KS 66441

LOCATION: South side of 21st Street North, West of 119th Street West (District V)

SITE SIZE: 3.98 acres

NUMBER OF LOTS

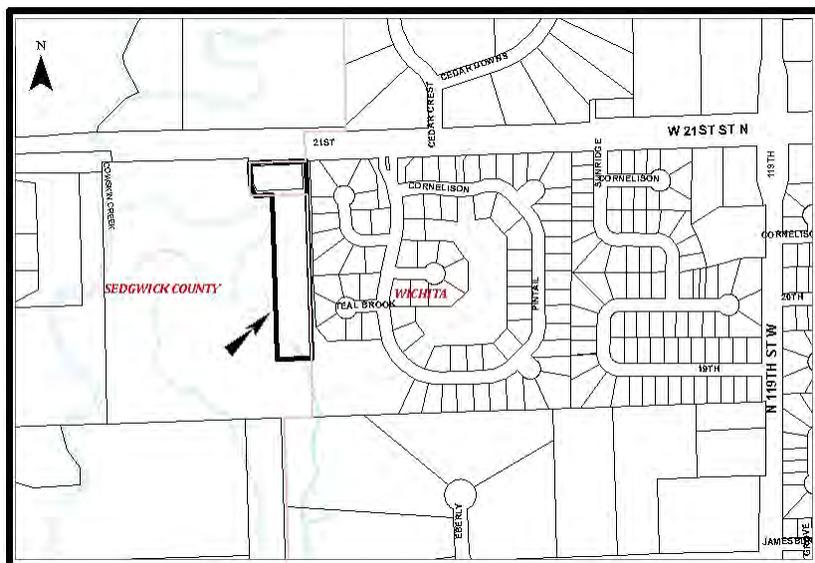
| | |
|--------------|---|
| Residential: | |
| Office: | 1 |
| Commercial: | |
| Industrial: | — |
| Total: | 1 |

MINIMUM LOT AREA: 3.98 acres

CURRENT ZONING: SF-20 Single-family Residential, GO General Office

PROPOSED ZONING: SF-5 Single-family Residential, GO General Office

VICINITY MAP



SUB2014-00044 -- Plat of GREIFFENSTEIN SQUARE NO. 2 ADDITION
January 22, 2015 - Page 2

Note: This is a replat of the Greiffenstein Square No. 2 Addition plus unplatted property to the south. The south portion of this site is located in the County adjoining Wichita's municipal boundaries and annexation is required. The site is currently zoned SF-20 Single-family Residential and GO General Office. The residential portion of the property will be converted to SF-5 Single-family Residential upon annexation.

STAFF COMMENTS:

- A. As a portion of this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. Upon annexation, the residential portion of the property will be zoned SF-5 Single-family Residential. 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 sanitary sewer and water services are available. Water in-lieu-of-assessment fees (transmission) are due. Sanitary sewer in-lieu-of-assessment fees (mains) 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 drainage plan. The applicant will need to submit the necessary information to FEMA regarding allowing site-work within the floodplain and floodway, prior to obtaining a building permit.
- E. County Public Works/Traffic Engineering has approved the access controls. The plat proposes two openings along 21st Street North. City Traffic Engineer advises the applicant that "Do Not Enter" R5-1 signs are needed on both sides of the entrance adjacent to the parking lot (so motorists don't go north at the entrance) and two "Do Not Enter" R5-1 signs (where the "exit only" sign is) at the east opening, one on each side. Both of the stalls on the west of the canopy are accessible stalls (both have ADA signs), but only one has the wheelchair striping (ISA) on the stall itself. The east drive needs to be striped with turn arrows and the striping shall be maintained. The number of drop-offs and pick-ups here is high and, without good flow, motorists are stopping on West 21st Street North.
- F. The standard language in the surveyor's certificate regarding vacation statutes should reference "K.S.A. 12-512b, as amended". "Minimum pad elevation" needs to be added and "Streets" removed.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- H. 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.
- I. 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

SUB2014-00044 -- Plat of GREIFFENSTEIN SQUARE NO. 2 ADDITION
January 22, 2015 - Page 3

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.

- J. County Surveying advises the legal description should have Tract 1 and Tract 2. The first tract being the platted parcel, Tract 2 being the metes and bounds parcel (the tract not purchased and closed on yet). The entire parcel can be the "being more particularly described as" the legal description shown. The portion of the parcel being deeded from Dopps should have a separate legal description (the legal that will show up in the deed and title work).
- K. County Surveying advises the sanitary sewer easement dedication needs located north-south. A dimension should be added along the east line of the plat to locate said easement. County Surveying has questions regarding the dimension and labelling of the water line easement which was replaced with a utility easement.
- L. The applicant is advised that the site must comply with all requirements of the Wichita Landscape Code.
- M. County Surveying advises that minimum building pad needs referenced in the plat's text and may state "as noted on the face of the plat".
- N. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- O. 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.
- 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

SUB2014-00044 -- Plat of GREIFFENSTEIN SQUARE NO. 2 ADDITION
January 22, 2015 - Page 4

of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

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

V. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Marsha Jesse, from Westar Energy, has been in contact with agent for the applicant for this plat. She is the Construction Services Representative for the southwest area and can be contacted at (316) 261-6859.

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

The applicant is requesting that the uses permitted in the platted Reserve A, His Helping Hands Addition be vacated and amended to allow the uses permitted by right in site’s LI Limited Industrial zoning district. The plattor’s text states that Reserve A is restricted to flood protection and drainage purposes. It further states covenants prohibit human habitat or other construction, or obstructions and that no levees, fill, grade change, creation of channels or work shall be done except with the approval of the City or County Engineer. The owner of the reserve is responsible for it, until such time that the governing body elects to assume the responsibility and maintenance of the subject reserve. There is a platted 30-foot wide drainage easement located in and along the length of the reserve’s east line. There is a platted 20-foot wide utility easement located in and along the length of the reserve’s west line. There does not appear to be any public or franchised utilities located in these platted easements or elsewhere in the reserve. His Helping Hands Addition was recorded with the Register of Deeds January 5, 2005.

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 plattor’s 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 January 1, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the plattor’s to amend the uses allowed in the described platted reserve 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 by right in the LI zoning district in Reserve A, His Helping Hands Addition.
- (2) Provide a covenant, with original signatures, stating that “No building permit, no grading, fill work, levees, creation of channels or work shall be granted for Reserve A and Lot 2, His Helping Hands, Addition, until such time that a Drainage Easement is approved by the City of Wichita’s Stormwater Engineer and subsequently recorded with the Register of Deeds.” This covenant will go with the Vacation Order to the City Council and subsequently to the Register of Deeds for recording. The covenant will also note that vacation request VAC2014-00050 amended the plattors’ text to allow the uses allowed in Reserve A, His Helping Hands Addition to be those permitted by right in the LI Limited Industrial zoning district upon approval of a Drainage Easement by the City of Wichita’s Stormwater Engineer and the subsequent recording of approved Drainage Easement.

- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicants’ 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) Vacate the plattors text, amending it by allowing the uses permitted by right in the LI zoning district in Reserve A, His Helping Hands Addition.
- (2) Provide a covenant, with original signatures, stating that “No building permit, no grading, fill work, levees, creation of channels or work shall be granted for Reserve A and Lot 2, His Helping Hands, Addition, until such time that a Drainage Easement is approved by the City of Wichita’s Stormwater Engineer and subsequently recorded with the Register of Deeds.” This covenant will go with the Vacation Order to the City Council and subsequently to the Register of Deeds for recording. The covenant will also note that vacation request VAC2014-00050 amended the plattors’ text to allow the uses allowed in Reserve A, His Helping Hands Addition to be those permitted by right in the LI Limited Industrial zoning district upon approval of a Drainage Easement by the City of Wichita’s Stormwater Engineer and the subsequent recording of approved Drainage Easement.
- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicants’ 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

STAFF REPORT

CASE NUMBER: VAC2014-00051- City request to vacate a portion of the platted Santa Fe public street right-of-way

APPLICANT/AGENT: Kindel Investments LLC, c/o John R Kindel (applicant), KE Miller Engineering, PA, c/o Kirk Miller (agent)

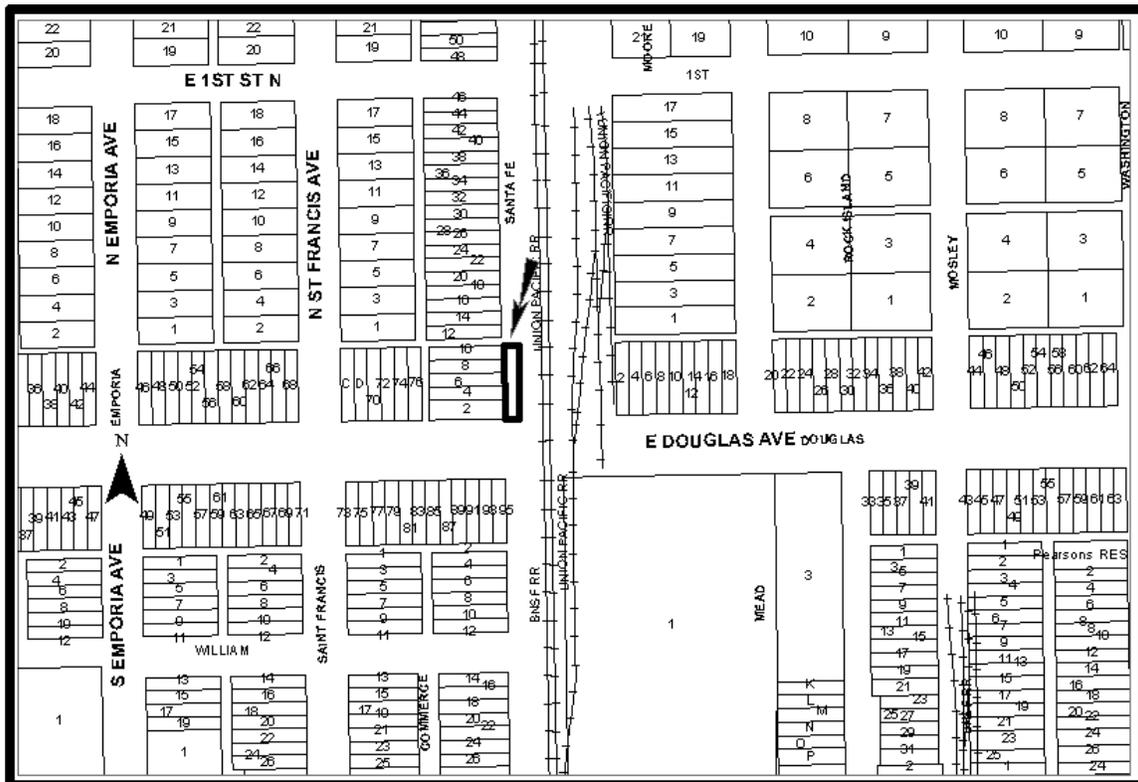
LEGAL DESCRIPTION: Generally described as vacating the west 24.7 feet of the Santa Fe street right-of-way abutting Lots 2, 4, 6, 8, and 10, JR Mead’s Addition (plus an additional 5.3 feet on the east sides of said lots), on its west side, BNSF Railroad easement on its east side, Douglas Avenue on its south side, and endings at its intersection with a platted east-west alley on its north side, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Douglas Avenue and west of the BNSF Railroad easement (WCC VI)

REASON FOR REQUEST: Parking and patio for west abutting building

CURRENT ZONING: The subject site is platted street right-of-way. Abutting west and adjacent northwest and southwest properties are zoned CBD Central Business District. Abutting east railroad easement is zoned LI Limited Industrial

VICINITY MAP:



The applicant is requesting the vacation of the west 24.7 feet of the Santa Fe Avenue street right-of-way abutting Lots 2, 4, 6, 8, and 10, JR Meads Addition (plus an additional 5.3 feet on the east sides of said lots), on its west side, the BNSF Railroad easement on its east side, Douglas Avenue on its south side, and endings at its intersection with a platted 35-foot wide east- west alley on its north side. This west portion of Santa Fe right-of-way appears to be approximately 35 feet wide and is a sand and gravel road with a full curb where it abuts the BNSF Railroad easement on its east side. A raised railroad track is located in the BNSF Railroad easement. This portion of Santa Fe Avenue dead-ends on its south side before its intersection with Douglas Avenue. This portion of Douglas Avenue goes underneath the raised railroad track, which required it to be lower than Santa Fe Avenue, with a structural wall (part of the Douglas – raised railroad track overpass) blocking Santa Fe Avenue from intersecting Douglas Avenue along its east half. The west half of Santa Fe is blocked off from Douglas Avenue by a decorative wrought iron fence. There is an opening in the west most portion of the decorative wrought iron fence for walking access to Douglas Avenue, via a partially covered (with sand and gravel) sidewalk abutting the east sides of the subject/applicant’s lots.

The ‘Project Downtown Master Plan for Wichita’ calls for this portion of Santa Fe to be a walking connection between Downtown and Central Avenue. Planning is requesting a temporary public access easement to continue to allow the walking connection between Downtown and Central Avenue. The easement could become permanent, if no other walking access can be provided from this portion of Santa Fe to Douglas Avenue; a determining factor will be if any modifications can be made to the noted wall that would allow access through the east side of Santa Fe Avenue to Douglas Avenue.

There are power poles, utility meters, and a utility box located in the north end of this portion of Santa Fe abutting and adjacent to the east sides of the subject/applicant’s lots. Westar has equipment in Santa Fe that serve the Intrust Arena and has requested that an easement be dedicated to cover that equipment. Contact Shane Price at 316-261-6315 to resolve Westar’s requirement. More utilities appear to be located in both the east portion of the street right-of-way, closer to the Railroad right-of-way. There is a manhole in this portion of Santa Fe that does not serve utilities, but appears to have been used in the past as the entrance to a coal shoot to the applicant’s building.

The JR Meads Addition was recorded with the Register of Deeds September 9, 1870.

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

- 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 January 1, 2015, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portion of the platted street right-of-way and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the street right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser's Office.
- (2) Provide a dedication for a temporary public access easement (with original signatures to continue to allow the walking connection between Downtown and Central Avenue. This easement will no longer be in effect if the east portion of Santa Fe Avenue can continue through the structural wall (currently in place) to Douglas Avenue; a walking connection from Santa Fe Avenue to Douglas must be maintained. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds.
- (3) Provide any needed easements (with original signatures) to cover utilities that are currently located within the proposed vacated street right-of-way. If the easement is for public utilities it will go with the Vacation Order to City Council for final action and recording with the Register of Deeds. If it is for franchised utilities, including Westar, provided written confirmation from the franchised utilities that the required easement has been provided.
- (4) Provide a legal description of the vacated street right-of-way, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (5) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sidewalks, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.
- (6) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants 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) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the street right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser’s Office.
- (2) Provide a dedication for a temporary public access easement (with original signatures to continue to allow the walking connection between Downtown and Central Avenue. This easement will no longer be in effect if the east portion of Santa Fe Avenue can continue through the structural wall (currently in place) to Douglas Avenue; a walking connection from Santa Fe Avenue to Douglas must be maintained. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds.
- (3) Provide any needed easements (with original signatures) to cover utilities that are currently located within the proposed vacated street right-of-way. If the easement is for public utilities it will go with the Vacation Order to City Council for final action and recording with the Register of Deeds. If it is for franchised utilities, including Westar, provided written confirmation from the franchised utilities that the required easement has been provided.
- (4) Provide a legal description of the vacated street right-of-way, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (5) All improvements shall be according to City Standards and at the applicant’s expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sidewalks, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.
- (6) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants 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.

STAFF REPORT
DAB VI 1-21-2015
MAPC 1-22-2015

CASE NUMBER: CON2014-00033

APPLICANT/AGENT: Ronald and Michelle Goodwin, Aaron's Recycling, LLC/Koon Law Firm
(Morgan B. Koon)

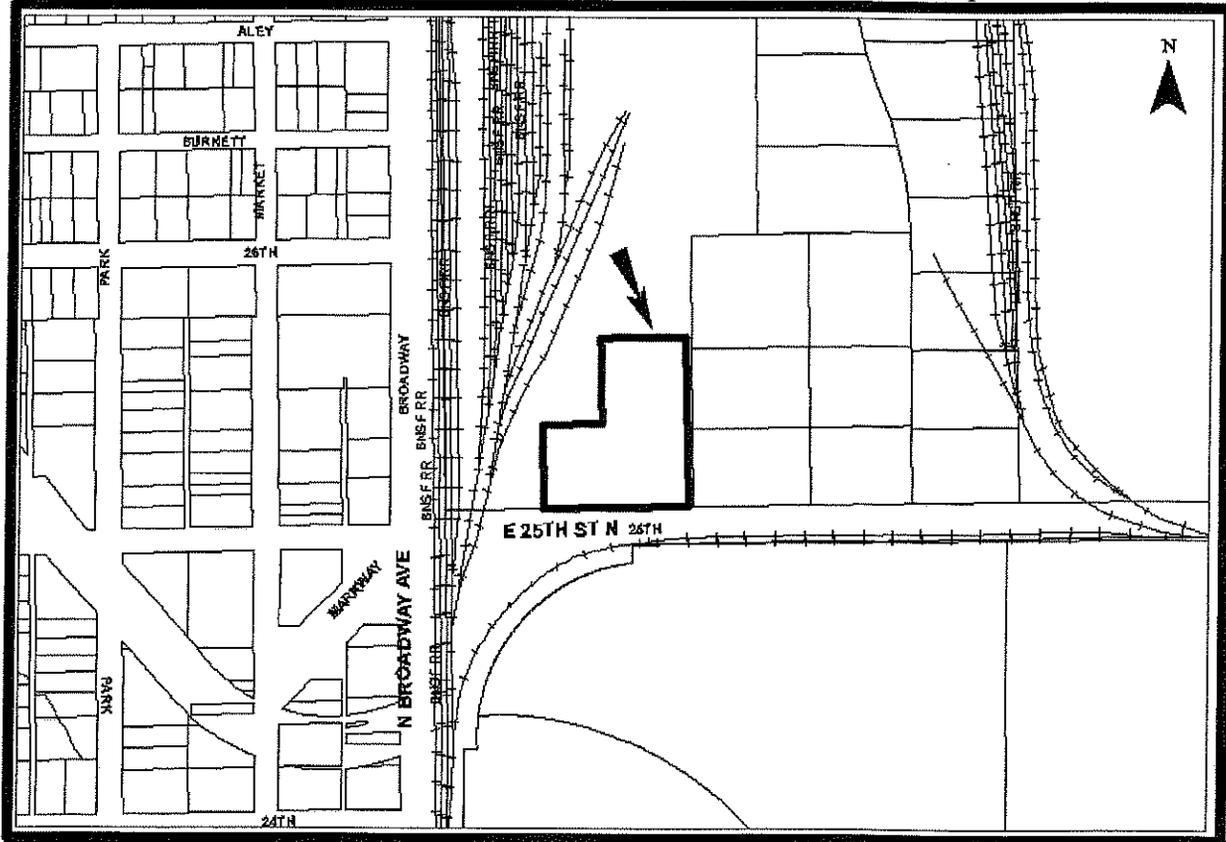
REQUEST: Rock Crushing

CURRENT ZONING: GI General Industrial

SITE SIZE: 2.45 acres

LOCATION: Northeast corner of North Broadway Avenue and East 25th Street North

PROPOSED USE: Rock crushing for the recycling of concrete and asphalt



BACKGROUND: The applicant is seeking “conditional use” approval to permit “rock crushing” on 2.45 General Industrial (GI) zoned and platted acres generally located at the northeast corner of North Broadway Avenue and East 25th Street North. The property is located east of the Atchison Topeka & Santa Fe Railroad (AT&SF) tracks and switching yard that are located just east of North Broadway Avenue and north of East 25th Street. The site is currently enclosed by a concrete block screening wall. Located within the screening wall are piles of asphalt and concrete chunks that come from demolition and construction projects located in the area. The chunks are expected to be crushed into smaller sizes and reused in local construction projects. On a typical day the applicant’s agent indicates that there could be 20 or fewer truck trips; however, the number of trips is dependent upon the needs of the applicant’s customers. The applicant’s aerial/site plan depicts more area than is covered by the conditional use application. Only the area enclosed by the green line and labeled “A” is the application area and the subject of the conditional use request. The application area is only Lot 1, Block A, Aaron Goodwin Addition. Access to the site is located on East 25th Street North via a 26-foot wide driveway. A scale house and a scale are located within the enclosed area. The applicant’s aerial photograph/site plan shows a connection in the northeastern corner of the site to the metal recycling operation located immediately east of the subject property.

In 2003, the site received “conditional use” approval for a “wrecking and salvage yard” (CON2003-00047).

Land located north of the application area is part of the AT&SF railroad switching yard. Property located to the east contains the Glickman metal recycling business. Land located south, across East 25th Street North, is vacant. Properties located north, east and south of the application area are zoned GI. West of the application are AT&SF railroad tracks, North Broadway Avenue and west of Broadway Avenue, are a variety of highway oriented commercial establishments zoned Limited Industrial (LI) and General Commercial (GC).

CASE HISTORY: The subject property was initially platted as part of the Goldstein’s Addition recorded in 1887, which was vacated by an act of the State Legislature in 1895. Case number CON2003-00047 approved use of the site for a “wrecking and salvage yard” subject to twelve development standards. Case number CON2004-00023 was an “administrative adjustment” to replace metal fencing required by CON2003-00047 with a concrete block wall. The property was platted in 2005 as Lot 1, Block A, Aaron Goodwin Addition (SUB2004-00025).

ADJACENT ZONING AND LAND USE:

North: GI; AT&SF railroad switching yard
South: GI; vacant
East: GI; metal recycling
West: GI; AT&SF railroad tracks and switching yard

PUBLIC SERVICES: Public water is adjacent to the site; however, sanitary sewer, at its closest point, is over 430 feet away. East 25th Street North is an unpaved road that has 60 feet of half-street right-of-way abutting the application area. West of the subject site, East 25th Street North appears to have 30 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “processing industry.” The “processing industry” category encompasses areas with uses that constitute uses associated with primary extraction, processing or refinement of natural resources or recycling of waste materials, having a potential negative impacts

associated with noise, hazardous emissions, visual blight and odor. The range of uses includes aggregate and concrete plants, salvage and recycling facilities. The industrial locational guidelines of the comprehensive plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, utility trunk lines, along railroads and as extensions of existing industrial uses.

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

1. The “conditional use” permits “rock crushing” for three years from the date of final approval. At the end of the three-year time limit the three year time period may be extended by the “administrative adjustment” process.
2. The site shall be developed, maintained and operated in conformance with the approved site plan.
3. The site shall be completely enclosed by solid fencing or block wall a minimum of eight feet in height except at approved access points (as shown on the approved site plan).
4. All internal circulation and points of ingress-egress shall be watered during hours of operation or be treated with a dust control product or be surfaced with an approved all weather surface or some combination of the three to control dust.
5. An updated drainage plan designed to minimize non-point source contamination of surface and groundwater shall be submitted for review and approval by the city engineer prior to commencing rock crushing.
6. All aggregate piles will be no higher than 20 feet from ground level and watered as necessary to minimize blowing dust. Opacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility associated with rock crushing cannot exceed applicable opacity standards.
7. Any stockpiling of fuels or chemicals on this site must be approved by Environmental Health.
8. The applicant shall meet all permitting, reporting and operating requirements as necessary per local, state and federal regulations prior to any crushing activities on this site.
9. The level of noise generated by the rock crusher shall not exceed community standards as specified by chapter 7.41 of the City Code.
10. Any violation of the conditions of approval will allow the “conditional use” to be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located north of the application area is part of the AT&SF railroad switching yard. Property located to the east contains the Glickman metal recycling business. Land located south, across East 25th Street North, is vacant. Properties located north, east and south of the application area are zoned GI. West of the application are AT&SF railroad tracks, North Broadway Avenue and west of Broadway Avenue, are a variety of highway oriented commercial establishments zoned Limited Industrial (LI) and General Commercial (GC).
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned GI which permits a wide range of industrial and commercial uses. The site also has a Conditional Use that permits a wrecking and salvage yard. The existing zoning on the site permits opportunity for economic return.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested use would add rock crushing to the uses permitted on the site. The site abuts a major

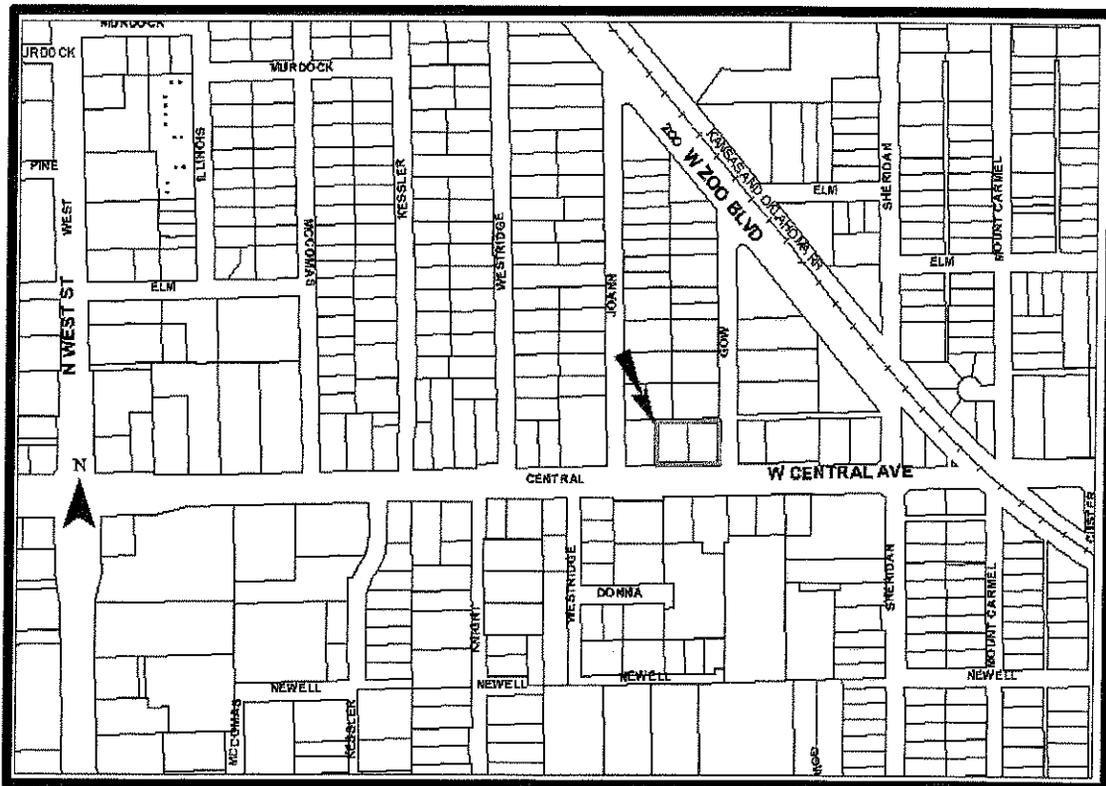
wrecking and salvage yard and a regional railroad switching yard. The proposed conditions of approval should minimize detrimental impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The proposed use will accept concrete, asphalt or rock from off-site construction and/or demolition projects. The material will be crushed and reused which benefits the community as a whole. Denial would presumably be a loss of economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “processing industry.” The “processing industry” category encompasses areas with uses that constitute uses associated with primary extraction, processing or refinement of natural resources or recycling of waste materials, having a potential negative impacts associated with noise, hazardous emissions, visual blight and odor. The range of uses includes aggregate and concrete plants, salvage and recycling facilities. The industrial locational guidelines of the comprehensive plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, utility trunk lines, along railroads and as extensions of existing industrial uses.
6. Impact of the proposed development on community facilities: None identified.

STAFF REPORT

DAB VI: January 21, 2015
 MAPC: January 22, 2015

- CASE NUMBER:** CON2014-00034
- OWNER/APPLICANT:** David and Palmer Properties
- AGENT:** KE Miller Engineering, c/o Kirk Miller
- REQUEST:** Conditional Use for Outdoor Vehicle Sales
- CURRENT ZONING:** LC Limited Commercial
- SITE SIZE:** 0.67 acre
- LOCATION:** One block west of Zoo Boulevard, at the northwest corner of Central Avenue and Gow Street (3402-3410 W. Central Ave.)
- PROPOSED USE:** Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lots 6-7, except the south 15 feet for street, of Davis Gardens Addition, which is currently zoned LC Limited Commercial (“LC”). The site is located at the northwest corner of North Gow and West Central. The subject site is developed with a two-bay door garage/retail/office, used for limited car and light truck service. The applicant proposes to retain the site’s limited vehicle repair shop, which is permitted by right, and sell pre-owned vehicles. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The applicant’s site plan shows the existing garage/retail/office structure; two existing drives onto West Central Avenue and one existing drive onto North Gow, proposed vehicle circulation, the parking/display area and the area to be paved for the parking/display area. If approved, the applicant needs to provide a revised site plan giving more detail including any proposed light poles and identification of customer and employee parking.

The existing office-sales building has two bay doors on the south side of the building, one bay door on the east side of the building and two bay doors on the north side of the building. It is currently listed by the appraiser’s office as a Service Repair Garage. The existing use currently is compliant for the number of parking spaces required for the “vehicle repair, limited” use. Per the UZC Art IV, Sec IV-A, “Off-Street Parking Standards,” the 1,848-square foot office for the vehicle sales use would trigger the need for at least three additional parking spaces. The UZC also requires two parking spaces for the first 10,000-square feet of lot area used for sales, display or storage purposes, plus one parking space for each 10,000-square feet of lot area used for sales, display or storage purposes thereafter. The applicant has calculated the display area size being 13,180-square feet, thus the applicant will be required to provide four parking spaces for the display area. A total of seven spaces will be required for the vehicle sales use.

Property north of the site is zoned OW Office Warehouse (“OW”) and developed with warehouse/office uses. Property south of the site is zoned LC Limited Commercial (“LC”) and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial (“LI”) and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned LC and is developed with a full service restaurant.

CASE HISTORY: The site was platted as Lots 6 and 7, Except the South 15 feet for Street, of Davis Gardens Addition; Wichita, Sedgwick County, Kansas on May 28, 1930.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|----|-------------------------|
| NORTH: | OW | Warehouse/Office |
| SOUTH: | LC | Warehouse/Retail |
| EAST: | LI | Manufacturing |
| WEST: | LC | Full Service Restaurant |

PUBLIC SERVICES: The subject property has access to Central Avenue, a five-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

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

The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan’s criteria of locating car lots in areas where they are already clustered, it does match up with the MAPC’s criteria of locating smaller car sales lots within sites that had previously been used for auto related businesses. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application. Usually, but not always, on an application for a Conditional Use for a small site for car sales, the car sales are the only business to operate on the site. In this case the applicant proposes to retain the permitted by right limited vehicle repair business, while operating a car sales lot. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

- 1) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will be per City Code including landscaping, code compliance and any other applicable standards.
- 2) In addition to uses permitted by right in the “LC” Limited Commercial district, the site is permitted “vehicle and equipment sales, outdoor” as long as the sale of vehicles is associated with a legal vehicle repair use. The sale or rental of trailers and vehicles or trucks larger than pickups is not permitted.
- 3) No body or fender work shall be permitted without first obtaining “GC” General Commercial zoning.
- 4) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
- 5) The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within one year of approval by the MAPC or the City Council. The landscaping plan will be submitted for review by the Planning Director, and approval of the landscape plan shall be obtained prior to the issuance of any permits. The applicant will remove any asphalt needed to come into compliance with the Landscape Ordinance and to ensure that development does not encroach into right-of-way.
- 6) A parking barrier, such as bumper blocks or a pipe railing, shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
- 7) No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
- 8) There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for

repair must be on a concrete, asphalt or an approved all weather surface.

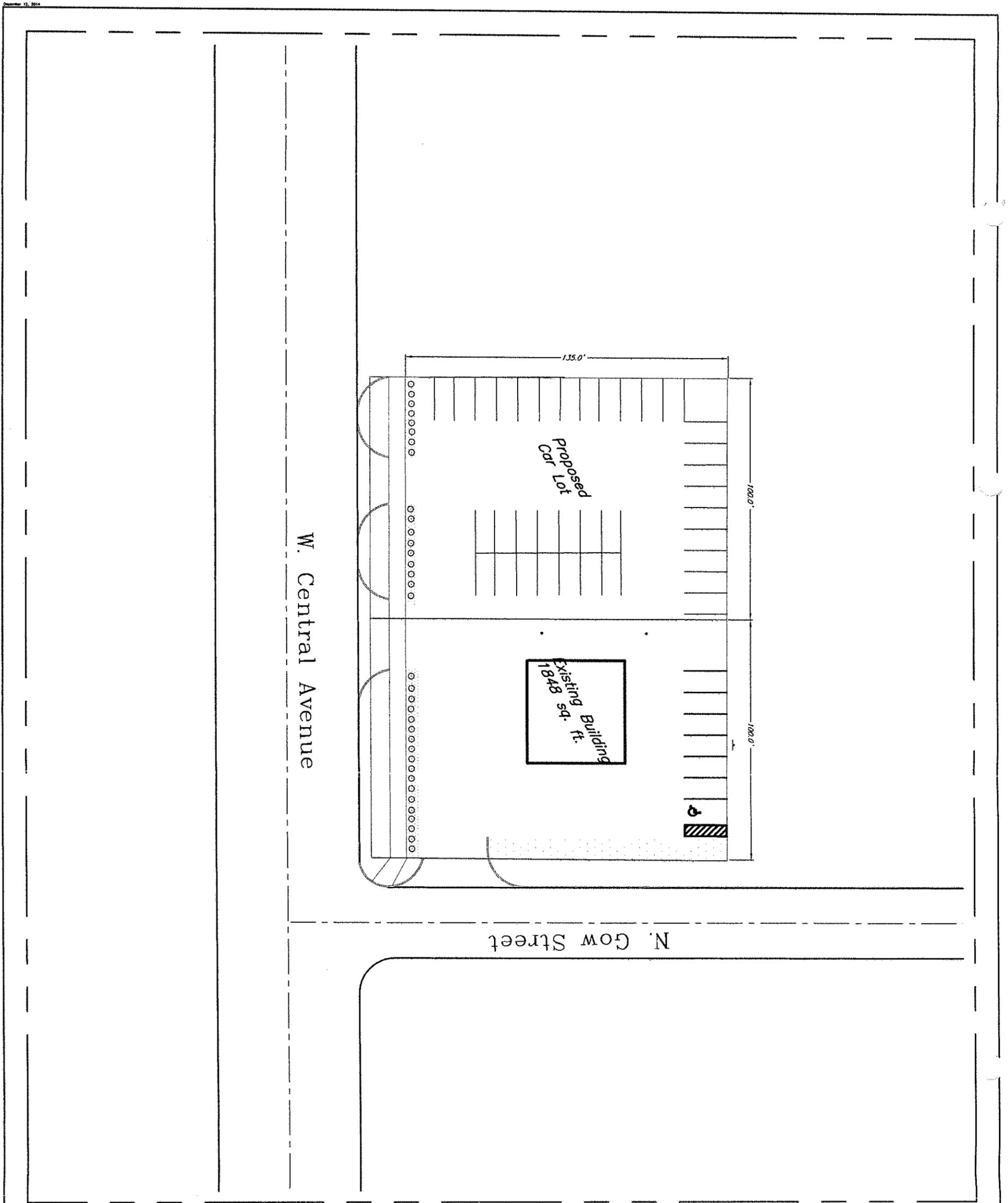
- 9) No outdoor amplification system shall be permitted.
- 10) No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
- 11) The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
- 12) All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
- 13) The entrances shall be reviewed and approved by the Traffic Engineer. This must be provided to the City, prior to the Conditional Use being finalized. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
- 14) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
- 15) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 16) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is zoned OW Office Warehouse ("OW") and developed with warehouse/office uses. Property south of the site is zoned LC Limited Commercial ("LC") and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned LC and is developed with a full service restaurant.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum negative effect on the area and at best improve the property, with the application of access control, landscaping, screening and the other conditions on the site.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." "This category

encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the **Commercial/Office Objective** to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as **Strategy III.B.6** recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets. The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. However, this conditional use requests only vehicle sales on an existing site currently operating with a vehicle service. There is no adopted neighborhood plan that would specifically discourage car rental at this site. The conditional use conditions should mitigate any potential negative effects on surrounding properties.

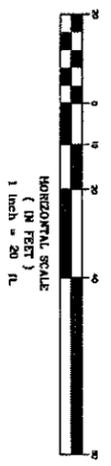
5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.



NOTE:

- Existing Building - Transmission Repair Shop
- Proposed 7 parking spaces (6 regular, 1 handicap accessible)
- Stall Width = 9'
- Stall Depth = 18.0'
- Proposed Car Lot
- Proposed 35 parking spaces
- Stall Width = 9'
- Stall Depth = 18.0'

Landscape shrubbery added to the South side of parking lot for arterial street screening. 750 sq.ft. Landscaping.



Site Plan
3402-3410 W. Central
 Wichita, Kansas

| | | | |
|--|-------------------|------------------|-----------|
| | | PROJECT NUMBER | |
| SHEET 1.0 | DATE 12/7/2014 | FILE 03/20/14 | REVISIONS |
| 117 E. Lomb, Wichita, KS 67202 (316)364-4194 | 14200 | 03/20/14 | 03 |

CASE NUMBER: CUP2014-00042

APPLICANT/AGENT: Life Covenant Church, Inc. (Mark Allen) / Kaw Valley Engineering (Tim Austin)

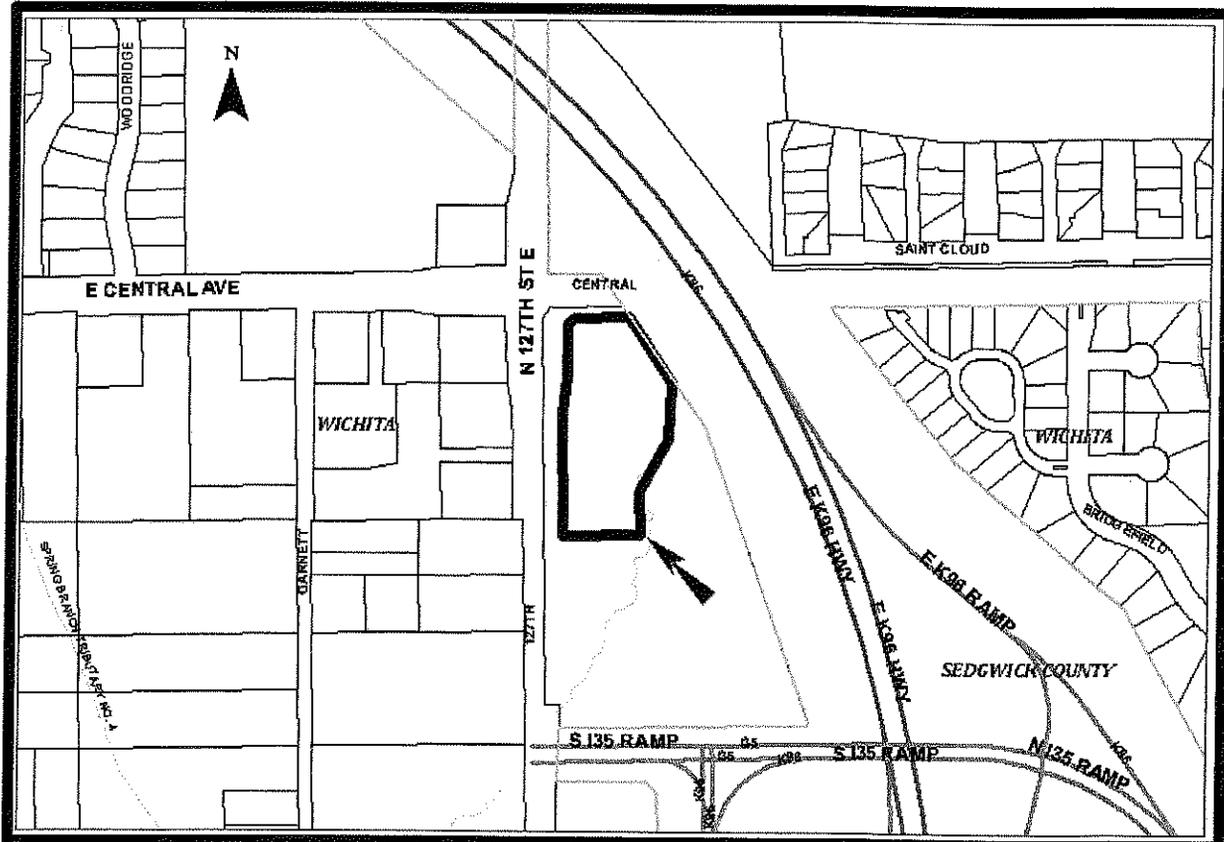
REQUEST: Amendment of Community Unit Plan (CUP) DP-313 to permit a “convenience store” on Parcel 8

CURRENT ZONING: SF-5 Single-Family Residential; the site has been approved for Limited Commercial zoning subject to the development standards contained in CUP DP-313

SITE SIZE: 3.98 acres

LOCATION: Southeast corner of East Central Avenue and North 127th Street East

PROPOSED USE: Convenience store



BACKGROUND: The applicant is seeking to amend Parcel 8 of the unperfected Parker Addition Community Unit Plan (CUP) DP-313 to permit a “convenience store.” The application area is 3.98 acres located at the southeast corner of East Central Avenue and North 127th Street East that is currently zoned SF-5 Single-Family Residential (SF-5) and Limited Commercial (LC). The subject site is part of the larger 29.29-acre Parker Addition CUP that includes land located not only on the southeast corner of the intersection of East Central Avenue and North 127th Street (the application area) but also on the intersection’s northwest corner. In 2008, all the property contained in the Parker Addition CUP was approved for Limited Commercial (LC) zoning and the development standards associated with CUP DP-313, subject to platting. The land located on the northwestern portion of the larger CUP that is located on the northwest corner of the intersection of East Central Avenue and North 127th Street East has been platted previously, which perfected the zoning and CUP for only the northwestern portion of the larger CUP. At the time this report was prepared the plat perfecting the southeastern portion of CUP DP-313 has not been recorded; therefore, the application area remains zoned SF-5 and LC but not subject to the approved CUP. A convenience store is not an allowed use in the SF-5 zoning district; therefore the application area cannot permit the proposed use without perfecting the approved zoning. Once the plat containing the application area, Life Church Addition (SUB2014-00028), is recorded, the subject site (Lot 1, Block A, Life Church Addition) will be subject to the approved CUP that does not permit a “convenience store” if located within 200 feet of residentially zoned property (DP-313, General Provision 28). Residential zoning (SF-5) is located 60 feet to the east, across North 127th Street East, of the subject site. Therefore, the requested CUP “amendment” is necessary to allow the proposed use in conformance with both its current zoning and pending CUP.

The site is currently undeveloped. The application area has two points of access to North 127th Street East. No access is permitted to East Central Avenue and K-96 Highway. East Central Avenue at North 127th Street carries between 10,000 and 11,000 average daily vehicle trips. North 127th Street at its intersection with East Central Avenue carries between 3,000 and 5,000 average daily vehicle trips. A 50-foot building setback and pipeline easement is located along the western property line. A 10-foot easement is located along the southern and eastern property line.

Property located northwest of the application area, across East Central Avenue, is zoned LC and is developed with a vacant convenience store. Land located to the north, across East Central Avenue, is unzoned right-of-way. Land located to the east of the site is 500-foot wide K-96 Highway right-of-way. Land to the south, across K-96 Highway right-of-way, is zoned SF-5 but has been approved for LC zoning subject to platting, and is part of CUP DP-313. Land to the west, across North 127th Street East is zoned SF-5 and LC. The LC zoned land located west across North 127th Street is located at the southwest corner of the intersection of North 127th Street and East Central Avenue, and is developed with neighborhood serving retail uses and a bank. Land to the south of the LC zoned land located at the southwest corner of the intersection of North 127th Street and East Central Avenue is zoned SF-5, and is developed with large-lot residences. East Central Avenue is a significant arterial street connecting the core area of Wichita with the core area of Andover. North 127th Street East is a section line road; however, it no longer provides a connection across East Kellogg/Highway 54/400.

A 5,800 square-foot convenience store can generate between 458 and 562 average daily vehicle trips at the peak hour.

CASE HISTORY: ZON2008-00021 and CUP2008-00015 were approved by the City Council on July 22, 2008, which approved a zone change from SF-5 to LC subject to CUP DP-313, both subject to platting. SUB2014-00028, the Life Church Addition was approved by the Wichita City Council but has not been recorded. CUP2014-00028 was an administrative adjustment that modified the configuration of Parcels 8 and 9 and created Reserve A, and re-allocated development standards for Parcels 8 and 9

(September 24, 2014).

ADJACENT ZONING AND LAND USE:

North: LC; vacant convenience store, unzoned K-96 Highway right-of-way
South: SF-5, approved for LC subject to DP-313 and the recording of the plat; church
East: Unzoned K-96 right-of-way
West: LC and SF-5; bank, neighborhood retail shopping, large-lot residential

PUBLIC SERVICES: Currently North 127th Street East in front of the subject site has only 30 feet of half-street right-of-way. When the Life Church Addition is recorded the 127th Street right-of-way at the intersection with East Central Avenue will widen to 75 feet with a corner clip. East Central Avenue at the subject site will have 45 feet of half-street right-of-way when the plat is recorded.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” map identifies this area as appropriate for “local commercial” uses. The proposed amendment will facilitate the proposed development of a convenience store. A convenience store is considered a local commercial use.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request to permit a convenience store on Parcel 8 be approved, subject to:

1. The recording of a plat perfecting the southeastern portion of the earlier approved but unperfected zone change (ZON2008-00021) and CUP DP-313 (CUP2008-00015).
2. Submission of four copies of the approved CUP within 60 days of final approval (if necessary) or the amendment shall be deemed null and void.
3. This amendment does not modify any other provisions of the CUP

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located on the southeastern corner of two section line roads, North 127th Street East and East Central Avenue. The site is located within one-half mile of access to Highway K-96 and I-35. Surrounding property is developed with: large-lot single-family residential, neighborhood serving retail and banking, a vacant convenience store. A new multi-family complex is currently under construction. A small portion of the surrounding area is vacant ground. Surrounding land is zoned LC, SF-5, or K-96 Highway right-of-way.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC and SF-5, and has been approved for LC zoning subject to CUP DP-313, subject to the plat containing the application area being recorded. The LC district permits a convenience store by-right. Single-Family Residential (SF-5) does not permit a convenience store by right. Therefore the SF-5 to LC zoning portion of the site needs to be perfected to permit a convenience store; however, the CUP development standards associated with the LC zoning prohibits a convenience store located within 200 feet of residential zoning. The site is not properly zoned for the intended use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will not introduce a new use to the area since there was until the last few months a convenience store located on the northwest corner of East Central Avenue and North 127th Street

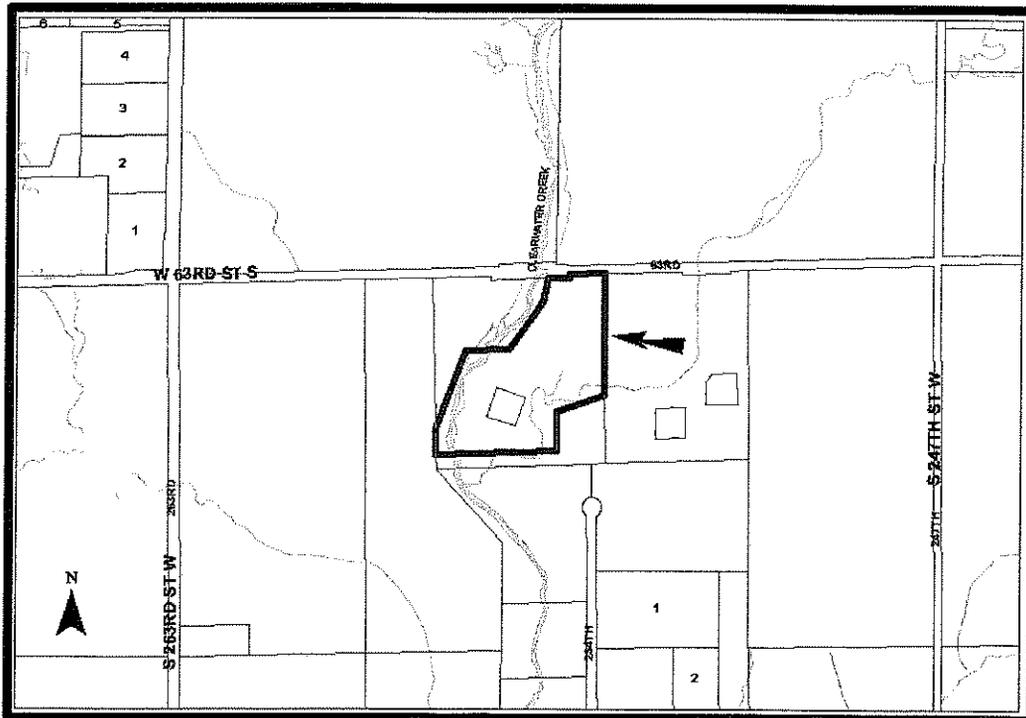
North. Approval of the request will place a 24-hour/seven day a week use diagonally across from single-family residences. The proposed development standards should mitigate many of the known impacts potentially generated by the proposed use.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Presumably denial would represent a loss of economic opportunity for the proposed convenience store developer and/or the property owner. Approval would permit the development of a convenience store that would be closer to existing area residences.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” map identifies this area as appropriate for “local commercial” uses. The proposed amendment will facilitate the proposed development of a convenience store. A convenience store is considered a local commercial use.
6. Impact of the proposed development on community facilities: The improvements required by the approved but unrecorded plat should address demands upon community facilities.

STAFF REPORT

MAPC January 22, 2015

- CASE NUMBER:** PUD2014-00003 - Planned Unit Development #44, the Rustic Acres Complex
- APPLICANT/AGENT:** Bobby and Kimberly Stroupe (owners/applicants) Abbott Land Survey, c/o Chad Abbott (agent)
- REQUEST:** PUD #44
- CURRENT ZONING:** RR Rural Residential (RR)
- SITE SIZE:** Approximately 21-acres
- LOCATION:** Generally located mid-mile between 263rd and 247th Streets West on the south side of 63rd Street South (BoCC #3)
- PROPOSED USE:** Special event venue



BACKGROUND: The applicants propose to change the RR Rural Residential (RR) zoned 21-acre tract to Planned Unit Development zoning (PUD #44). The proposed PUD includes the applicants' single-family residence. The proposed PUD zoned site will be used for events such as outdoor weddings, family reunions or similar activities. The applicants' propose a maximum of 150 persons for these events. These events will be scheduled on an as need basis, 30 times a year, and not repeated on a weekly basis. The facility will not be open to the general public. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for the events. Live music or DJ music for dances for the events are also options, as is the indoor and outdoor preparation of food for these events. Per the Unified Zoning Code (UZC) the RR zoning district list no defined uses, permitted by right or as a Conditional Use that would allow the site to be used as described. The RR zoning district list no defined uses, permitted by right or as a Conditional Use, that would allow the serving and consumption of drinks on the site as well as the providing live music or DJ music for dances for the events on the site.

The requested PUD would permit the described activities in the county. The PUD zoning district is a special zoning district that is intended to encourage innovative land planning and design. Any use may be permitted within the PUD zoning district, provided that it is consistent with the purposes of the UZC and the approved PUD plan. The PUD is proposed to be developed into two phases, as stated on the PUD

Currently the site is developed with the applicants' single-family residence, an accessory building to the residence, a wood shed and an accessory building (events building) that will be used for the PUD's activities. As noted on the PUD, the approximately 2,706.34-square foot events building will be used for the options of: indoor events, the cooking and serving of food for the all events, and live music or DJ music for dances for the events. The events building also has restrooms per the Sedgwick County Code. A gravel parking lot is shown on the west side of the events building as is paved (asphalt) handicap parking. An enclosed trash receptacle area is shown on the east side of the event building.

Although the applicants propose a maximum of 150 people attending any one event, Sedgwick County Fire has established a maximum occupancy of 299 persons for the events building. Fire's maximum occupancy is critical because it means the events building will not have to be sprinkled for fire prevention. The Fire Code prohibits the serving and consumption of drinks inside the events building, unless less than 100 people attend an event.

The applicants propose that no music shall be heard on the neighboring properties. The applicants propose that outdoor musical groups and outdoor speakers must be placed at least 100 yards from the PUD's north, south and east property lines. The applicants have proposed that security may be provided. The PUD proposes to provide wooded walking paths with soft lighting and music. The PUD shows floodplain, a 50-foot landscape buffer and 25-foot building setbacks. Other provisions of the PUD refer to allowing tents as needed for the events (not for camping) and portable toilets as needed. The second phase of development for the PUD includes a swimming pool and pool house and an outdoor kitchen facility.

The proposed days of availability are seven (7) days a week. Events are proposed to be available:

Monday – Thursday, 8 a.m. to 8 p.m. with music off by 7:30 p.m; Friday – Saturday 8 a.m. to 11 pm., with music off by 10:30 p.m. and; on Sunday 8 a.m. to 7 p.m. with music off by 6:30 p.m. from the events’ building.

This RR zoned unincorporated section of Sedgwick County is rural in charter, with one exception. Agricultural fields are the area’s dominate feature, with scattered farmsteads and large tract single-family residences. The closet residences/farmsteads were built in 1972 (west of the site), 1934 (north of the site), 1976 (east of the site) and 2004, 2009 and 2011 (south of the site). The most recent developments in the area are the large tract single-family residences located south of the site. The Clearwater Creek runs north to south through and along the PUD and the abutting properties on its way to its joining the Ninnescah River located two-miles south of the subject site. There are runs of timber along both sides of the Clearwater, including that portion of the Clearwater that is located along and through the PUD’s west and south sides and north of the site across 63rd Street South. The PUD’s east side is mostly open. The exception to the area’s RR zoning and its agricultural fields and scattered farmsteads and large tract single-family residences is PUD #36, located one-mile south of the subject site, on the southeast corner of 71st Street South and 263rd Street West. The 119.53-acre multi-event venue PUD #36 permits a campground, a bed and breakfast, a convention center, community assembly, retail, multi-family residential as well as numerous other activities. The requested PUD would not be the first for this general area and has fewer proposed uses than the established PUD #36.

CASE HISTORY: The RR zoned subject site not platted and there is no evidence of past zoning activity. Planning has received numerous calls not in favor of the requested zoning. Their concerns include, but are not limited to: traffic, the number of people allowed per event, drainage, loud music, unruly behavior, the availability of liquor and beer and disruption to the rural character of the area.

ADJACENT ZONING AND LAND USE:

| | |
|-----------|---|
| NORTH: RR | 63 RD Street South, agricultural fields, Clearwater Creek, a farmstead, |
| SOUTH: RR | Large tract & platted single-family residences, agricultural fields, farmsteads, Clearwater Creek |
| EAST: RR | Agricultural fields, large tract single-family residences, farmsteads |
| WEST: RR | Clearwater Creek, a large tract single-family residences, agricultural fields, |

PUBLIC SERVICES: There is no sewer available to the site. The site is located in Rural Water District #4. Access to the site is off of 63rd Street South, a sand and gravel section line road maintained by the Afton Township. A portion of the site is located within a flood plain, which means development within it must be addressed with an approved drainage plan and must meet all standards for construction of buildings/structures on the site, per the County Engineer and Code Enforcement. Both the maintenance and repair of 63rd Street South and the drainage of the proposed PUD will be determined at the time of the platting of the property.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the “Wichita-Sedgwick County Comprehensive Plan” identifies this area as “rural.” The rural classification is outside of any city’s growth area and is intended to accommodate agricultural uses,

rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large lot residential development. The RR zoning district is appropriate for the rural classification. The PUD proposes uses not allowed in the RR zoning district. A PUD is intended to:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots. The proposed PUD allows one zoning for the entire property whose use, an event venue that permits the consumption of drinks and music for dancing, is commercial. However the PUD proposes a limited number of times the PUD can be active, in recognition of the area's rural character that in turn enhances the PUD's location and its intent.
- (2) Allowing greater freedom in selecting the means to provide access, light, open space and design amenities. All of the current development and future development is located within the PUD's 21-acres, which provides ample open space. The location of the noted feature development is fluid, restricted by the building setbacks and to an extent the flood plain.
- (3) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses. The PUD's location in this portion of rural Sedgwick County enhances the PUD's location and its intent to provide a limited number of events that will benefit from the rural character. The proposed PUD event venue may be the most rurally located of its type, with the exception of the previously noted multi-event venue PUD #36 located one-mile south of the subject site.
- (4) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code. The PUD allows mixed uses without inappropriate LC spot zoning and Conditional Uses. The proposed PUD is not the first in the area, as the multi-event venue PUD #36 located one-mile south of the subject site.

RECOMMENDATION: The ability of an individual property owner to enjoy the use of their property impacts not only that individual property owner but their neighbors and the greater area. The applicants' believe that the proposed PUD's location in rural Sedgwick County enhances the PUD's and its intent to provide a unique events venue. The intent of the proposed provisions of the PUD, including limiting the availability of the PUD, is an attempt to retain the area's rural character and thus minimize the possibility of it degrading the neighboring properties and the area. The approximately 119-acre multi-venue PUD #36 is located a mile south of the proposed PUD, which sets a precedence for uses in the area that are not entirely rural in character. Based upon information available prior to the public hearings, and subsequent conversations between Planning, the applicants and their agent have a resulted in some additional development details planning staff recommends that the proposed PUD be APPROVED, subject to platting within a year and the following revisions to the attached PUD:

- (1) As listed in under General; Allow RR uses permitted by right
- (2) As listed in under General in Commercial; Events shall be a maximum of 30 days a year, available (7) days a week. Events are available for rent: Monday – Thursday, 8 a.m. to 8

- p.m. with music off by 7:30 p.m.; Friday – Saturday 8 a.m. to 11 pm., with music off by 10:30 p.m. and; on Sunday 8 a.m. to 7 p.m. with music off by 6:30 p.m.
- (3) Add under General; The site shall be developed per the approved PUD.
 - (4) Add under General; Maximum building height for habitable building shall be 35 feet. Maximum building coverage shall be 35%
 - (5) General Provision #5, add; all outdoor lighting shall employ cut-off luminaries to minimize light trespass and glare, and will be aimed or shielded such that the light source is not visible from the neighboring Lot. Lighting sources shall be 30 feet in height and limited to 15 feet in height when within 200 feet of residential zoning Districts. No pole lighting within building setbacks.
 - (6) General Provision #6 revise to; Parking shall be per Code for a maximum of 150 people and shall have a surface approved by Sedgwick County, including having paved handicap parking stalls.
 - (7) General Provision #7 revise to; All drives and access to the PUD shall be 20-foot wide and surfaced with a material approved by Sedgwick County standards including Fire.
 - (8) General Provision #10 revise to; Signage shall be a monument type with maximum sign area of 150-square feet of sign and no taller than 15 feet.
 - (9) General Provision #14 revise to add; No music shall be heard on the neighboring properties. Monday – Thursday music off by 7:30 p.m.; Friday – Saturday music off by 10:30 p.m. and; Sunday music off by 6:30 p.m.
 - (10) General Provision #16, revise to; Food services shall be allowed by Sedgwick County Code
 - (11) General Provision #18 revise to add; Tents are available for events as approved by Sedgwick County Code and will not be used for camping.
 - (12) General Provision #20 revise to add; Portable toilets are permitted as needed and as permitted and approved by the MABCD, per event.
 - (13) General Provision #21 revise to; The facility shall not be affiliated with any Class A or Class B clubs, as defined the Wichita-Sedgwick County Unified Zoning Code
 - (14) Take out General Provision #22
 - (15) Add to General Provisions; Solid screening of trash receptacles and outdoor mechanical equipment for heating and air and equipment storage shall be per the Wichita-Sedgwick County Unified Zoning Code. Trash receptacle shall be located as shown on the approved PUD.

This recommendation is based on the following findings:

- 1) The zoning, uses and character of the surrounding area: This RR zoned unincorporated section of Sedgwick County is rural in character, with one exception. Agricultural fields are the areas dominate feature, with scattered farmsteads and large tract single-family residences. The closet residences/farmsteads were built in 1972 (west of the site), 1934 (north of the site), 1976 (east of the site) and 2004, 2009 and 2011 (south of the site). The most recent development in the area are the large tract single-family residences located south of the site. The Clearwater Creek runs north to south through and along the PUD and the abutting properties on its way to its joining the Ninnescah River located two-miles south of the subject site. There are runs of timber along both sides of the

Clearwater, including that portion of the Clearwater that is located along and through the PUD's west and south sides and north of the site across 63rd Street South. The PUD's east side is mostly open. The exception to the area's RR zoning and its agricultural fields and scattered farmsteads and large tract single-family residences is PUD #36, located one-mile south of the subject site, on the southeast corner of 71st Street South and 263rd Street West. The multi-venue 119.53-acre PUD #36 permits a campground, a bed and breakfast, a convention center, community assembly, retail, multi-family residential along with numerous other activities. The requested PUD would not be the first for this general area and has fewer proposed uses.

- 2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture uses and large lot residential uses. The site could be continue to be used for a single-family residence or agriculture. The site could continue to be used as zoned.
- 3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD is for events such as outdoor weddings, family reunions or similar activities. The applicants' propose a maximum of 150 persons for these events. These events will be scheduled on an as need basis, 30 times a year, and not repeated on a weekly basis. The facility will not be open to the general public. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for the events. Live music or DJ music for dances for the events are also options, as is the indoor and outdoor preparation of food for these events. Any time the serving and consumption of alcoholic liquor or cereal malt beverages is allowed, there is a possible negative impact on an area, which could increase the presence of Law Enforcement. Music that is too loud can degrade a neighborhood. The proposed provisions of the PUD are intended to lessen that possibility of the need for more policing (providing security) in the area as well as the intrusion of loud music (cannot be heard on the neighboring properties) on the neighboring properties.
- 4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the "Wichita-Sedgwick County Comprehensive Plan" identifies this area as "rural." The rural classification is outside of any city's growth area and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large lot residential development. The RR zoning district is appropriate for the rural classification.

The PUD zoning district is a special zoning district that is intended to encourage innovative land planning and design. Any use may be permitted within the PUD zoning district, provided that it is consistent with the purposes of the UZC and the approved PUD plan. The PUD proposes uses not allowed in the RR zoning district. The requested PUD would not be the first multi-event venue for this general area. PUD #36 is located a mile south of the site and has more approved uses.

- 5) Impact of the proposed development on community facilities: The impact of traffic

generated by the PUD on 63rd Street West could be problematic. The maintenance and repair of 63rd Street South will be determined at the time of platting. Because the serving and consumption of alcoholic liquor or cereal malt beverages is allowed, there is a possible negative impact on an area, which could increase the presence of Law Enforcement. Enforcement could be problematic for the Metropolitan Area Building and Construction Department's (MAPCD) Code Enforcement division in regards to the Fire Code prohibiting the serving and consumption of drinks inside the events building, especially during the weekend when Code Enforcement is not available.

GENERAL: This development contains 21.01 acres and will include both residential and commercial uses.

Commercial uses: The facility shall be rented out for public or private activities such as weddings, receptions, graduation parties, birthdays, photo sessions, and similar activities that are not repeated on a weekly basis and that are not open to the public on a daily basis at times other than when an event is scheduled.

The residential use is limited to the existing home site (no new lots being created).

Except where marked proposed, all shown structures and development are existing conditions.

GENERAL PROVISIONS:

1) Drainage will be handled at the time of platting. Required drainage improvements will be guaranteed with the Final Plat. All structures and sewer systems must obtain all permits and inspections, including issues associated with location within FEMA flood areas.

2) The transfer of title of all or any portion of the land included within the development does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns and their lessees, unless amended.

3) Building Setbacks are as shown on this drawing.

4) Except as shown, a 50' landscape barrier shall be maintained where the PUD abuts and is adjacent to residential zoning, however, gozebo's and walking trails are allowed in said 50' barrier area.

5) 35-foot tall (including the base) pole lights are allowed.

6) Parking shall be as shown on this drawing, however, improvements for future parking shall be allowed provided that said 50' landscape buffer is maintained. The site shall be in conformance with the approved site plan, which includes the parking - occupancy breakdown. Occupancy as determined by the Fire Marshall cannot increase the maximum number of occupants, but it may lower the maximum number of occupants.

7) All drives and access through the site will be surfaced as directed by County Fire.

8) Access Control: Access controls shall be as shown on the face of the plot.

9) All buildings/structures must meet County Codes and permitting requirements.

10) Signs: Will be in accordance with Sedgwick County Code and as shown. 64

1/4
3W

requirements.

POD 2014-03 PAGE 2 of 3

- 10) Signs: Will be in accordance with Sedgwick County Code and as shown.
- 11) Single Family residential home site is allowed and will continued to be used for residential purposes.
- 12) No enclosed structures will be built inside of Floodplain area.
- 13) Security allowed through contracted security services.
- 14) Live music or music provided by a DJ is an option for events.
- 15) Alcohol allowed through contracted beverage services. Alcohol will be served outside of enclosed event structures. The consumption and serving of alcohol and/or cereal malt beverages (drinking) is an option for these events, as is dining. The site shall not obtain a Drinking Establishment (DE) or Drinking Establishment Restaurant (DER) license. Alcohol may only be served on the site through a licensed caterer
- 16) Food services allowed.
- 17) Lighting and Music along walking path's will be allowed but shall not be seen or heard from neighboring properties.
- 18) Tents to be used for events will be allowed.
- 19) Except for low level sound that cannot be heard on neighboring properties, no outdoor musical group or speakers will be allowed within 100 yards of the North, East and South property lines.
- 20) Temporary, portable bathrooms will be allowed for larger events but shall not be placed within the 50' landscape barrier and shall be removed after event.
- 21) The facility will not be affiliated with any fraternal association or private club.
- 22) The hours of operation for the facility are from 8:00 AM to 10:30 PM Monday through Sunday. It is anticipated most events will be during the weekend.

PHASE 1 DEVELOPMENT:

- A) 2,400 square foot climate controlled building with rest rooms (1 Men, 1 Women, 2 stalls each).
- B) Developed land for Wedding and Event Venues usage.
- C) Rustic landscaping will be developed and maintained.
- D) Wooded walking paths with lighting and soft music will be developed and maintained.
- E) Adequate parking will be developed and maintained per County Code, for up to 150 guests.
- F) Outdoor seating, dining and photography areas will be developed and maintained.
- G) Storage buildings and Gazebo's will be developed and maintained.

PHASE 2 DEVELOPMENT:

- L) Swimming pool and pool house will be developed and maintained.

Legal Description:

A tract of land lying in the North half of Section 34, Township 28 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as: Beginning at the North Quarter Corner of said Section 34 and going easterly along the North line of said Section a distance of 333.5 feet; thence turning right 91°05' and going Southerly a distance of 1320.0 feet; thence turning right 88°55' and going Westerly a distance of 1162.4 feet; thence turning right 87°10' and going Northerly a distance of 264.8 feet; thence turning right 26°03' and going Northeasterly a distance of 571.1 feet; thence turning right 66°47' and going Easterly on a line parallel to the North line of the section a distance of 300.2 feet; thence turning left 53°15' and going Northeasterly a distance of 398.3 feet; thence turning left 20°35' and going northerly a distance of 220.9 feet to the north line of the section; thence turning right 73°50' and going Easterly a distance of 30.7 feet to the point of beginning.

EXCEPT a tract lying in the North Half of Section 34, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the North Quarter corner of said Section 34; thence S 89°59'26" E along the North line of said Section 333.5 feet; thence S 1°06'58" W, 854.81 feet for a point of beginning; thence continuing S 1°06'26" W, 465.19 feet; thence S 90°00'00" W, 1162.40 feet; thence N 1°00'58" W, 95.56 feet; thence N 90°00'00" E, 834.34 feet; thence N 0°58'31" E, 274.44 feet; thence N 74°06'17" E, 347.43 feet to the point of beginning.

- A) 2,400 square foot climate controlled building with rest rooms Women, 2 stalls each).
- B) Developed land for Wedding and Event Venues usage.
- C) Rustic landscaping will be developed and maintained.
- D) Wooded walking paths with lighting and soft music will be de maintained.
- E) Adequate parking will be developed and maintained per Count to 150 guests.
- F) Outdoor seating, dining and photography areas will be develop maintained.
- G) Storage buildings and Gazebo's will be developed and mainta

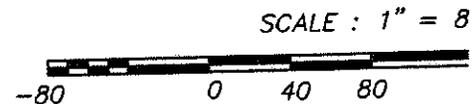
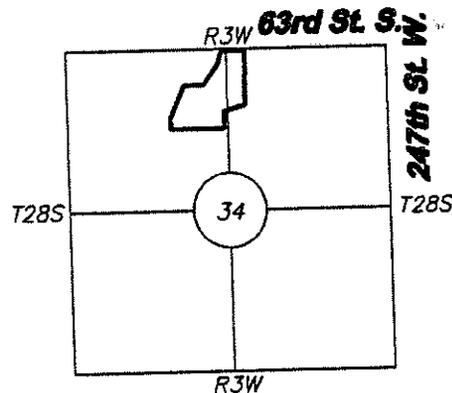
PHASE 2 DEVELOPMENT:

- L) Swimming pool and pool house will be developed and mainta
- M) Indoor kitchen facility ta be used in conjunction with food s
- N) Outdoor kitchen facility to be used in conjunction with food

LEGEND:

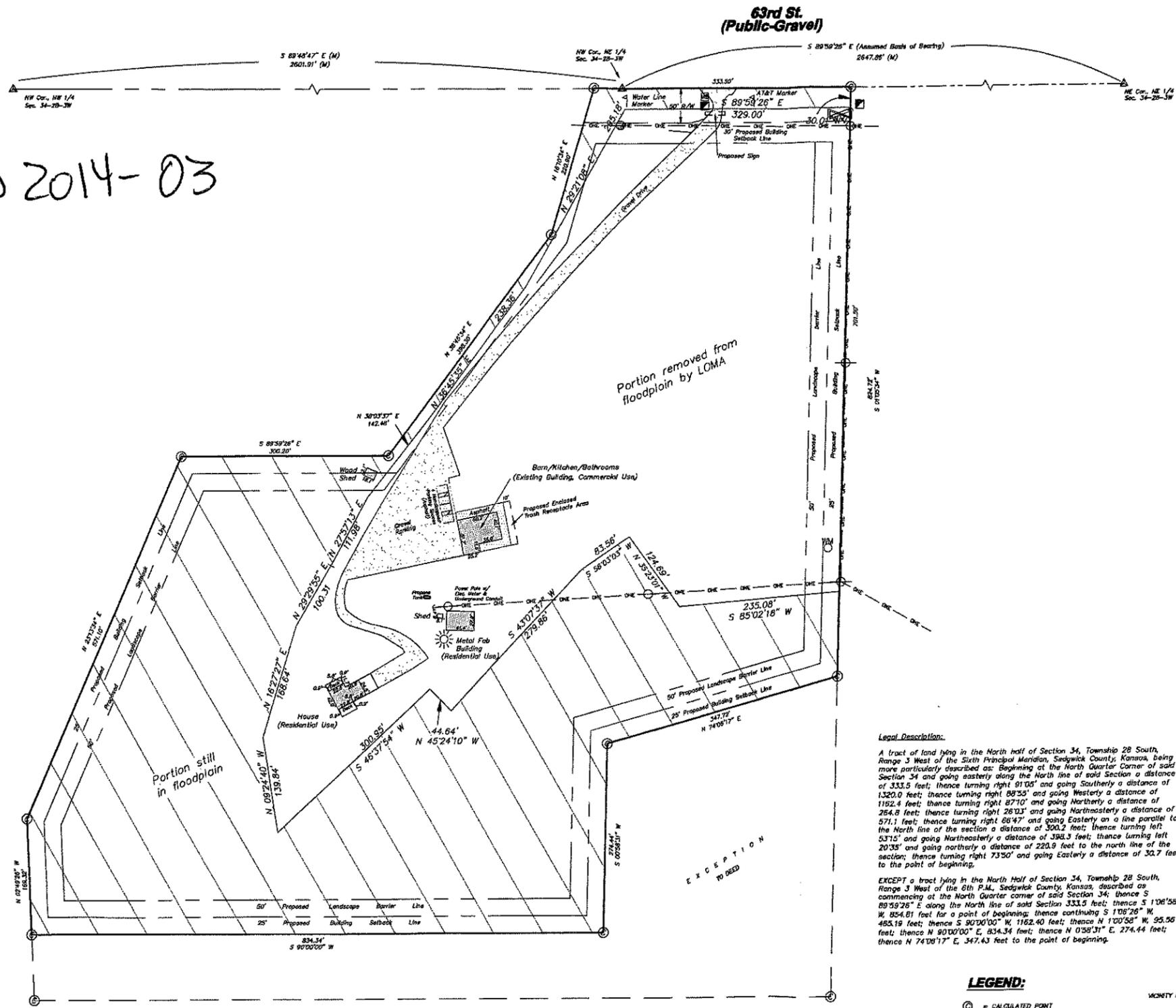
- ⊙ = CALCULATED POINT
- ⊗ = WATER VALVE
- = POWER POLE
- = GUY WIRE
- ▣ = TELEPHONE RISER
- OHE — = OVERHEAD ELECTRIC LINE
- WM = WATER METER
- ☀ = LIGHT POLE
- MB = MAIL BOX
- ⚡ = UNDERGROUND MARKER (AS NOTED)

VICINITY MAP (NOT TO SCALE)



Rustic Acres Addition, Viola, Sedgwick County, Kansas Planned Unit Development Concept Plan For Outdoor Weddings and Events

PUD 2014-03



63rd St.
(Public-Gravel)

Portion removed from floodplain by LOMA

Portion still in floodplain

EXCEPTION TO DEED

GENERAL: This development contains 21.01 acres and will include both residential and commercial uses.
Commercial uses: The facility shall be rented out for public or private activities such as weddings, receptions, graduation parties, birthdays, photo sessions, and similar activities that are not repeated on a weekly basis and that are not open to the public on a daily basis at times other than when an event is scheduled.
The residential use is limited to the existing home site (no new lots being created).
Except where marked proposed, all shown structures and development are existing conditions.

- GENERAL PROVISIONS:**
- 1) Drainage will be handled at the time of platting. Required drainage improvements will be guaranteed with the Final Plat. All structures and sewer systems must obtain all permits and inspections, including issues associated with location within FEMA flood areas.
 - 2) The transfer of title of all or any portion of the land included within the development does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns and their lessees, unless amended.
 - 3) Building Setbacks are as shown on this drawing.
 - 4) Except as shown, a 50' landscape barrier shall be maintained where the PUD abuts and is adjacent to residential zoning, however, gazebos and walking trails are allowed in said 50' barrier area.
 - 5) 35-foot tall (including the base) pole heights are allowed.
 - 6) Parking shall be as shown on this drawing, however, improvements for future parking shall be allowed provided that said 50' landscape barrier is maintained. The site shall be in conformance with the approved site plan, which includes the parking - occupancy breakdown. Occupancy as determined by the Fire Marshal cannot increase the maximum number of occupants, but it may lower the maximum number of occupants.
 - 7) All drives and access through the site will be surfaced as directed by County Fire.
 - 8) Access Control: Access controls shall be as shown on the face of the plat.
 - 9) All buildings/structures must meet County Codes and permitting requirements.
 - 10) Signs: Will be in accordance with Sedgwick County Code and as shown.
 - 11) Single Family residential home site is allowed and will continue to be used for residential purposes.
 - 12) No enclosed structures will be built inside of Floodplain area.
 - 13) Security allowed through contracted security services.
 - 14) Live music or music provided by a DJ is an option for events.
 - 15) Alcohol allowed through contracted beverage services. Alcohol will be served outside of enclosed event structures. The consumption and serving of alcohol and/or cereal malt beverages (drinking) is an option for these events, as is dining. The site shall not obtain a Drinking Establishment (DE) or Drinking Establishment Restaurant (DER) license. Alcohol may only be served on the site through a licensed caterer.
 - 16) Food services allowed.
 - 17) Lighting and Music along walking paths will be allowed but shall not be seen or heard from neighboring properties.
 - 18) Tents to be used for events will be allowed.
 - 19) Except for low level sound that cannot be heard on neighboring properties, no outdoor musical group or speakers will be allowed within 100 yards of the North, East and South property lines.
 - 20) Temporary portable bathrooms will be allowed for larger events but shall not be placed within the 50' landscape barrier and shall be removed after event.
 - 21) The facility will not be affiliated with any fraternal association or private club.
 - 22) The hours of operation for the facility are from 8:00 AM to 10:30 PM Monday through Sunday. It is anticipated most events will be during the weekend.

PHASE 1 DEVELOPMENT:

- A) 2,400 square foot climate controlled building with rest rooms (1 Men, 1 Women, 2 stalls each).
- B) Developed land for Wedding and Event Venues usage.
- C) Rustic landscaping will be developed and maintained.
- D) Wooded walking paths with lighting and soft music will be developed and maintained.
- E) Adequate parking will be developed and maintained per County Code, for up to 150 guests.
- F) Outdoor seating, dining and photography areas will be developed and maintained.
- G) Storage buildings and Gazebos will be developed and maintained.

PHASE 2 DEVELOPMENT:

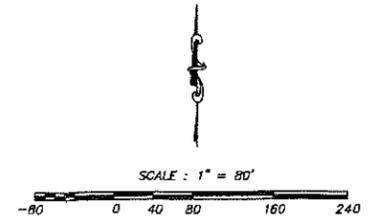
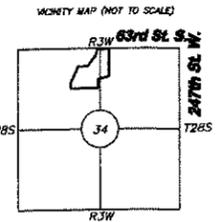
- A) Swimming pool and pool house will be developed and maintained.
- B) Indoor kitchen facility to be used in conjunction with food services.
- C) Outdoor kitchen facility to be used in conjunction with food services.

Legal Description:
A tract of land lying in the North half of Section 34, Township 28 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as: Beginning at the North Quarter Corner of said Section 34 and going easterly along the North line of said Section a distance of 333.5 feet; thence turning right 81°05' and going Southerly a distance of 1320.0 feet; thence turning right 88°55' and going Westerly a distance of 1192.4 feet; thence turning right 87°10' and going Northerly a distance of 264.8 feet; thence turning right 26°03' and going Northeasterly a distance of 571.1 feet; thence turning right 88°47' and going Easterly on a line parallel to the North line of the section a distance of 300.2 feet; thence turning left 53°15' and going Northeasterly a distance of 398.3 feet; thence turning left 20°35' and going northerly a distance of 220.9 feet to the north line of the section; thence turning right 73°50' and going Easterly a distance of 30.7 feet to the point of beginning.

EXCEPT a tract lying in the North Half of Section 34, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the North Quarter corner of said Section 34; thence S 89°58'26" E along the North line of said Section 333.5 feet; thence S 1°06'58" W, 854.81 feet for a point of beginning; thence continuing S 1°06'58" W, 465.19 feet; thence S 90°00'00" W, 1162.40 feet; thence N 1°06'58" W, 55.56 feet; thence N 80°00'00" E, 834.34 feet; thence N 0°58'31" E, 274.44 feet; thence N 74°08'17" E, 347.43 feet to the point of beginning.

LEGEND:

- ⊙ = CALCULATED POINT
- ⊕ = WATER VALVE
- ⊖ = POWER POLE
- = GUY WIRE
- ⊠ = TELEPHONE RISER
- = OVERHEAD ELECTRIC LINE
- ⊙ = WATER METER
- ⊙ = LIGHT POLE
- ⊙ = MAIL BOX
- ⊙ = UNDERGROUND MARKER (AS NOTED)



| | |
|---|-----------------------------------|
| JOB DESCRIPTION: P.U.D. | |
| PREPARED FOR: Kira Stroupe | |
| JOB LOCATION: 28001 W. 63rd Viola, KS | DATE OF PREPARATION: 1-14-2015 |
| JOB NUMBER: A15788 | SHEET 1 OF 1 |

**Abbott
and
S
Survey**
220 S. Holland, Box 143, Wichita, KS 67202
Ph. 316.262.2282 Fax 316.262.2288
www.abbottandsurvey.com

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

DATE: January 22, 2015

TO: Metropolitan Area Planning Commission

FROM: Dave Barber, AICP
Advanced Plans Manager

SUBJECT: DER2015-00001: Presentation and Briefing on the Working Draft
Community Investments Plan 2015-2035, a New Comprehensive Plan for
Wichita-Sedgwick County

Background:

Development of the January 8, 2015 Working Draft Plan:

2007-2008

- Various MAPC members advised MAPD staff that revisions to the current Wichita-Sedgwick County Comprehensive Plan (dating to 1993) are needed to better guide future growth and public infrastructure decisions (esp. capital improvement programming priorities) for Wichita and Sedgwick County.

2011-12

- At the request of the City and County Managers, Wichita State University completed an extensive assessment of the condition (relevancy, need for repairs, age/life cycle stage, replacement cost, utilization level, associated maintenance costs, planned investments) of all current City and County infrastructure and facility assets.

- A Plan Steering Committee was jointly appointed by the City and County Managers in the fall of 2012 to oversee the development of a new comprehensive plan called the Community Investments Plan. The Committee first met in November 2012 to begin work on the new plan. The Plan Steering Committee is comprised of two representatives for the Wichita City Council, two representatives for the County Board of Commissioners, seven members of the MAPC, two representatives from the Sedgwick County Association of Cities, and five representatives from the community-at-large.

2013-2014

- Utilizing the findings of WSU's existing conditions and community infrastructure assessment report, the Plan Steering Committee went through an extensive process of data evaluation, trend analysis, and the development of alternative Wichita growth scenarios.

- A joint workshop to review progress in developing the Plan was held with the Plan Steering Committee, the City Council and the County Board of Commissioners on February 25, 2014.

- A total of 31 Plan Steering Committee meetings have been held to date. The Working Draft Community Investments Plan document was finalized at the Committee meeting on January 7, 2015.

- The following community engagement and outreach initiatives were undertaken over the last two years to inform the public and receive initial feedback about future growth and investment priorities for our community:
 - o *January 2013*, WSU community-wide mailed survey (funded by the City and County) - 4,100 surveys received
 - o *September 2013-January 2014*, ACT ICT outreach meetings (102) organized by the City (primary purpose was to gauge support for a City sales tax initiative) – total attendance was about 2,000 people
 - o *April 2014*, Community Investments Plan Open House Meetings (four) – total attendance was 97 people
 - o *May-June 2014*, Community Investments Plan Discussion Meetings (nine) – total attendance was 96 people
 - o *May-June 2014*, Activate Wichita On-line Survey – total of 50 survey participants

Working Draft Plan Components

1. **2035 Plan Vision Statement** (this defines the future we want to help make for our community based on our public infrastructure investments):

“Building on our rich aviation and entrepreneurial heritage, Wichita-Sedgwick County is a global center of advanced manufacturing and high-tech industry and a premier service, education, health and retail center for South Central Kansas. People feel safe and enjoy affordable housing choices in diverse, vibrant neighborhoods offering unique quality living environments and active, healthy lifestyles with access to arts, culture and recreation.”

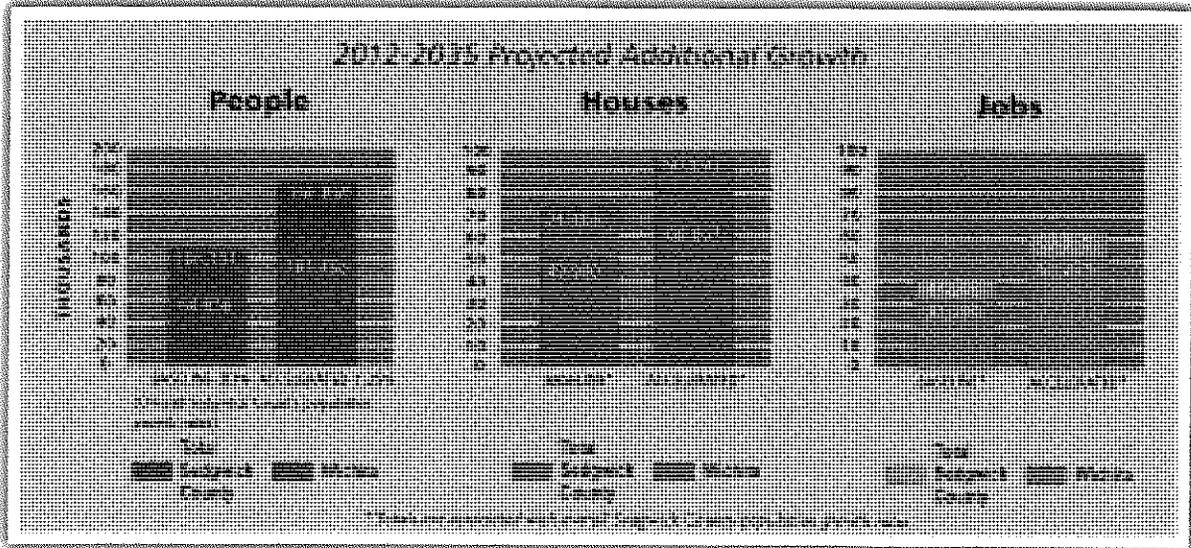
Core Community Values (they define our community approach and beliefs for the purposes of this Plan):

- o Common-sense Approach
- o Fiscal Responsibility
- o Growth-oriented
- o Inclusiveness and Connectivity
- o Cultural Richness
- o Vibrant Neighborhoods
- o Quality Design

2. **Plan Guiding Policy Principles** (they represent key aspirations and actions for our community, and set priorities at the highest level for future public infrastructure investment decisions):

- 1) *Support an Innovative, Vibrant and Diverse Economy*
- 2) *Invest in the Quality of Our Community Life*
- 3) *Take Better Care of What We Already Have*
- 4) *Make Strategic, Value-added Investment Decisions*
- 5) *Provide for Balanced Growth but with Added Focus on Our Established Neighborhoods*

3. **Future Land Use Policies** (the following four elements encourage orderly growth that meets future market demand while considering impacts to taxpayers, developers, the environment, and the community as a whole):
- 1) 2035 Urban Growth Areas Map
 - 2) 2035 Wichita Future Growth Concept Map
 - 3) Locational Guidelines (address Development Patterns, Land Use Compatibility, and Design)
 - 4) Wichita Urban Infill Strategy (targets the Establish Central Area; strategy focuses on areas of stability and areas of opportunity)



The accelerated population and employment growth rate of 1.25% is reflected in the *2035 Urban Growth Areas Map* and the *2035 Wichita Future Growth Concept Map*.

4. **Plan Elements** (a set of Goals and Strategies to guide decisions for each of the following Plan Elements):
- Funding and Financing
 - Transportation
 - Water, Sewer and Stormwater
 - Arts, Culture and Recreation
 - Public Safety
5. **Plan Implementation** (is comprised of the following two elements):
- **Part 1. Infrastructure Investment Decision-making Framework**
 - Level 1 Evaluation – Detailed Project Analysis*
(Individual project merits)
 - Level 2 Evaluation – Project Selection and Funding*
(Project priorities, connecting the CIP to the Plan)
 - Level 3 Evaluation – Capital Improvement Programming*
(Project timing, phasing & sequencing)
 - **Part 2. Plan Monitoring, Review and Amendment**

Recommended Action: Review and provide comments for consideration by the Plan Steering Committee.