

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

**Minutes**

**March 5, 2015**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 5, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair (Out @ 1:50 p.m.); David Dennis, Chair Pro Tem; John Dailey; David Foster; Bill Johnson; Joe Johnson; Don Klausmeyer; John McKay Jr.; Bill Ramsey; Lowell E. Richardson; Debra Miller Stevens and Chuck Warren. Carol Neugent 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; Jeff Vanzandt, Assistant City Attorney and Robert Parnacott, Assistant County Counselor.

**CHAIR GOOLSBY** nominated **COMMISSIONER DAVID DENNIS** as Chairman, Pro Tem, **J. JOHNSON** seconded the motion, and it carried (12-0).

Commissioner David Dennis in the Chair.

1. Approval of the January 22, 2015 and February 5, 2015 MAPC meeting minutes.

January 22, 2015 Minutes

**MOTION:** To approve the January 22, 2015 minutes.

**GOOLSBY** moved, **RAMSEY** seconded the motion, and it carried (8-0-4). **DAILEY, MCKAY, B. JOHNSON** and **KLAUSMEYER** – Abstained.

February 5, 2015 Minutes

**MOTION:** To approve the February 5, 2015 minutes.

**MCKAY** moved, **WARREN** seconded the motion, and it carried (11-0-1). **KLAUSMEYER** – Abstained.

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2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2015-00001: One-Step Final Plat – QUIKTRIP 19TH ADDITION**, located on the southeast corner of 13th Street North and West Street.

NOTE: This is a replat of the Continental Addition, the Pearle E. Woods Addition and the Par Addition.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer. The applicant is advised a fee for termination of existing water service is needed at 1328 North West Street.

- 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. Traffic Engineering has approved the access controls. The plat proposes two access openings along West Street and one opening along 13<sup>th</sup> Street North.
- E. 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.
- F. Traffic Engineering has requested a 10-foot contingent right-of-way dedication along West Street. In lieu of a contingent right-of-way dedication, the applicant will provide a petition for a bike path along the 13<sup>th</sup> Street frontage.
- G. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- H. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and nstrahl@wichita.gov.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can

be developed. It is the applicant’s responsibility to contact all appropriate agencies to determine any such requirements.

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

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

P. Westar Energy requests additional easements. A 10-foot utility easement is needed along the east property line, approximately 190 feet from the existing power pole to the south line. The north 160 feet along the east property line may need to be obtained by separate instrument at a later time. There is an overhead line that runs east/west behind the existing QuikTrip building and fence at this time. They will need to re-feed that overhead service to accommodate existing customers. Westar requests that the 5-foot easement along the south line of the plat the applicant noted as wanting to vacate remains as it will be used along with the 5 feet on the lot south of QuikTrip plat (total 10-foot centerline) to re-feed the above-mentioned service. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant’s expense. Marsha Jesse is the Construction Services Representative for the northwest area and can be contacted at (316) 261-6734. The applicant can contact her about this project.

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

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

**KLAUSMEYER** moved, **RAMSEY** seconded the motion, and it carried (12-0).

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3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2015-00002: City request to vacate a plat,** generally located mid-mile between 119th and 135th Streets West on the south side of Pawnee Avenue.

**OWNER/AGENT:** Development Partnership, LLC, c/o Don Coleman (owner/applicant)  
Ruggles & Bohm PA, c/o Will Clevenger (agent)

**LEGAL DESCRIPTION:** Generally described as vacating all of the Red Rock Village Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located mid-way between 135<sup>th</sup> and 119<sup>th</sup> Streets West on the south side of Pawnee (WCC #IV)

**REASON FOR REQUEST:** Applying for a delay in the payment of special assessments for the cost of constructing public improvements

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

The applicant is requesting the vacation of all of the undeveloped 11.87-acre Red Rock Village Addition plat. The applicant has stated that market conditions do not support the single-family residential platted layout and that the applicant is seeking an agricultural deferral to delay the cost of improvements on the plat, which makes the vacation necessary. Charter Ordinance No. 139 provides City Council authorization to provide for a delay in payment of special assessments for the cost of constructing public improvements, not to exceed 15 years with a possible extension of 10 years if 50% or less of the property has not been developed. The conditions for consideration of the delay of payment of special assessments for the cost of constructing public improvements are as follows:

- (1) The land is in excess of 2 ½ acres.
- (2) Has not been platted
- (3) Primarily used for agricultural purposes
- (4) Has a population density of less than one family per acre
- (5) Not served by public improvement

The applicant meets conditions 1, 4 and 5. Condition 3 appears to have been met as the property is listed on the tax rolls as being used for ranching and farming. The applicant's property is a plat, so it does not meet condition 2, thus the applicant's request to vacate the plat. The property is not developed. This is only the second vacation of platted land seeking agricultural deferment that Planning has filed; VAC2002-00039, generally located southwest of the 55th Street South and Broadway Avenue, 5727 South Jones.

The proposed vacation will eliminate the platted dedication of 60-foot of Pawnee Avenue right-of-way, platted access control onto Pawnee Avenue, platted residential street and alley right-of-ways, platted reserves, platted lots, platted front setbacks, platted wall easements, platted utility easements, platted drainage and utility easements, platted street, drainage and utility easements and the plat's text. There does not appear to be any utilities located in these platted easements or in the reserves. Red Rock Village Addition was recorded with the Register of Deeds September 29, 2009.

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

- 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 February 12, 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 plat and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a contingent dedication of 60 feet of Pawnee Avenue right-of-way by separate instrument with original signature(s), to be recorded with the Vacation Order, prior to the request going to City Council for final action.
- (2) Access control onto to Pawnee Avenue from the vacated plat will be per the Subdivision Standards, as approved by the Traffic Engineer. Future platting of the property will trigger review and approval by the Traffic Engineer.
- (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) Provide, a dedication of 20-foot of utility easement (along the south and east sides of Lots 1-14, Block 1, Red Rock Village Addition) by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a contingent dedication of 60 feet of Pawnee Avenue right-of-way by separate instrument with original signature(s), to be recorded with the Vacation Order, prior to the request going to City Council for final action.
- (2) Access control onto Pawnee Avenue from the vacated plat will be per the Subdivision Standards, as approved by the Traffic Engineer. Future platting of the property will trigger review and approval by the Traffic Engineer.

- (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) Provide, a dedication of 20-foot of utility easement (along the south and east sides of Lots 1-14, Block 1, Red Rock Village Addition) by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

**J. JOHNSON** moved, **RAMSEY** seconded the motion, and it carried (12-0).

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**3-2. VAC2015-00003: City request to vacate platted utility easements on property,**  
generally located northwest of West Street and K-42 Highway, on the south side of West Street Court.

**OWNER/AGENT:** Hijos, LLC, c/o Patty Koehler (owner) Baughman Co. PA, c/o Phil Meyer (agent)

**LEGAL DESCRIPTION:** The north 273.00 feet of the 10.00 foot utility easement granted along the west line Lot 5 in Pawnee and West Industrial Park Second Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the north 273.00 feet of the south 726.00 feet of the 5.00 foot utility easement granted along the east line of Lot 4, Pawnee and West Industrial Park, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located northwest of West Street and K-42 Highway, on the south side of West Street Court (410 N. West Street - WCC #IV)

**REASON FOR REQUEST:** Additional room to build

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned LI Limited Industrial

The applicants propose to vacate the north 273.00 feet of the 10.00 foot utility easement granted along the west line of Lot 5 in the Pawnee and West Industrial Park Second Addition, together with the north

273.00 feet of the south 726.00 feet of the 5.00 foot utility easement granted along the east line of Lot 4, Pawnee and West Industrial Park Addition. There are no utilities located in the subject easements. The Pawnee and West Industrial Park Addition was recorded with the Register of Deeds August November 18, 1994. The Pawnee and West Industrial Park Second Addition was recorded with the Register of Deeds August March 29, 1995.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 12, 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 portions of the platted utility easements and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Any abandonment or relocation/reconstruction of any/all 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 plans for the abandonment /relocation of utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Any abandonment or relocation/reconstruction of any/all 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 plans for the abandonment /relocation of utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

**J. JOHNSON** moved, **RAMSEY** seconded the motion, and it carried (11-0-1). **B. JOHNSON** – Abstained.

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**PUBLIC HEARINGS**

4. **Case No.: CON2015-00001 (Deferred from 2-19-15)** – Vincent and Quinnda McMullen (Owner/Applicant) request a County Conditional Use request for a temporary accessory apartment on property zoned RR Rural Residential on property described as:

Part of the West ½ of the Northwest ¼ of Section 36, Township 29 South, Range 2 East, in Sedgwick County, Kansas.

**BACKGROUND:** The applicant is seeking Conditional Use approval for a temporary “accessory apartment” on approximately 9.8 acres zoned RR Rural Residential (“RR”) that are located South of East 111<sup>th</sup> Street South and East of South 143<sup>rd</sup> Street East (11240 S. 143<sup>rd</sup> St. E.). The subject tract is an unplatted, rectangular-shaped tract that is currently developed with a double-wide modular type single-family residence and a shed. The property utilizes a lagoon for its on-site sanitary sewer service. The residence is served by an on-site water well for its water service. The applicants are seeking approval to temporarily place a single-wide manufactured home east of the existing residence to allow a family member to reside on-site due to a medical hardship.

Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and east are developed with single-family residences located on tracts ranging in size from 4.65 acres to 10.5 acres. The RR zoned tracts located south, southwest and west of the application area are approximately eighty-acre tracts used for agriculture.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Art. II.Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit.

Accessory apartments are subject to supplementary use regulations found at UZC Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

Unified Zoning Code, Article III, Sections III-D.6.1(3)(a)-(e) of the UZC permits a temporary, accessory manufactured home dwelling unit in the County with Conditional Use approval and subject to the following additional requirements: (a) The location of the manufactured home shall conform to all setback requirements of the district in which it is located. (b) The lot area for the manufactured home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal-type sewer system, the minimum lot area shall be determined by County Health Department (County Code Enforcement). (c) The unit shall comply with all of the standards of Secs. III-D.6.1(1) and II-D.6.1(2). (d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use. (e) The Planning Commission shall determine a reasonable time limit for each individual case. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.

Applicable sections of UZC Sec. III-D.6.1 state that in the unincorporated County, only residential-designed manufactured homes may be placed on individual lots or tracts unless the site meets one of the exemption described in Secs. III-D.6.1(2-4). Section III-D.6.1(2)(b) states a single-wide manufactured home is permitted if the tract of land is a buildable lot under this code and the applicable Subdivision Regulations and has received a Conditional Use in accordance with Section V-D for the temporary placement of an accessory manufactured home under hardship conditions as provided in Sec. III-D.6.1(3).

Unified Zoning Code Sections III-D.6.1(1)(a)1)-3) state that all manufactured homes installed in the unincorporated portion of Sedgwick County shall: be placed in accordance with the manufactured home siting standards of Sedgwick County, and amendments thereto; provided said standards have been adopted. In the event such standards are not adopted or until such standards, the following shall apply: 1) the manufactured home shall be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home, within 45 days of the placement of the home, by solid concrete or masonry walls or a material designed to be used as mobile home skirting that does not have a flame spread rating in excess of 25. (The rest of this section provides technical standards regarding skirting and its installation.) 2) The manufactured home shall be provided with handrails on all outside stairs that have a rise of more than 30 inches from grade to finished floor elevation; and 3) the manufactured home shall have any stairs, porches and handrails constructed so as to be structurally sound.

**CASE HISTORY:** None. The subject site is currently unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH: RR; large-lot single-family residences  
SOUTH: RR; large-lot single-family residences  
EAST: RR; agriculture  
WEST: RR; agriculture

**PUBLIC SERVICES:** The property is connected to the Sedgwick County Rural Water District No. 3 and utilizes a lagoon. 111<sup>th</sup> Street South and 143<sup>rd</sup> Street East are sand and gravel roads. Along the applicant's frontage, 143<sup>rd</sup> Street has only thirty feet of half-street right-of-way.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompass land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category 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 larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.l; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.
2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.l(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed within 90 days after any change in the circumstances used as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.
4. 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 VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and south are developed with single-family residences located on tracts ranging in size from 4.4 acres to 9.7 acres. The RR zoned tracts located east and west of the application area are approximately 80 acres (east) and 159 acres (west) tracts used for agriculture. Properties located in the larger area surrounding the application area are predominantly used for agriculture and for large-lot rural homes.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR, which permits by-right one single-family residence per two acres (or 4.5 acres if a lagoon is used). A single-family residence currently exists on the property. As currently zoned, the property could continue to be used as currently developed; however, the site contains ten acres that could potentially be subdivided to create another residential building site. The Unified Zoning Code allows a second accessory residential unit with Conditional Use approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. A second dwelling unit could potentially be installed without Conditional Use approval but would require platting. The conditions of approval and the size of the site should minimize any anticipated detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompass land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category 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 larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.
5. Impact of the proposed development on community facilities: Existing community facilities are more than able to meet projected demand.

**DERRICK SLOCUM**, Planning Staff presented the Staff Report.

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

**RAMSEY** moved, **B. JOHNSON** seconded the motion, and it carried (12-0).

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5. **Case No.: CON2015-00005 (Deferred from 4-16-15)** - City Conditional Use request for a wireless communication facility with a 100-foot monopole on LC Limited Commercial zoned property on property described as:

A 75 foot by 75 foot land space situated in the Southeast Quarter of Section 18, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 18 (found  $\frac{3}{4}$ " Bar); thence along the South line of said Southeast Quarter, South 88 degrees 55'21" West, a distance of 319.46 feet; thence leaving said South line North 00 degrees 00' 00" East, a distance of 190.67 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 00'00" East, a distance of 75.00 feet; thence North 90 degrees 00' 00" East, a distance of 75.00 feet; thence South 00 degrees 00' 00" East a distance of 75.00 feet; thence North 90 degrees 00'00" West a distance of 75.00 feet to the POINT OF BEGINNING

**CHAIR PRO TEM DENNIS** announced that the item was deferred to the April 16, 2015 Planning Commission Meeting.

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6. **Case No.: DER2015-00002** - the City of Wichita requests Amendments to the Wichita-Sedgwick County Unified Zoning Code, Section III-C.3., U, University District.

**Background:** Wichita State University has developed an Innovation Campus Master Plan (see attached) to redevelop Braeburn Golf Course with:

- An Experiential Engineering Building with engineering laboratories and a maker space
- Partnership Buildings, constructed with private funds by developers who will lease space to companies that want to work with WSU students and faculty
- A new home for the W. Frank Barton School of Business, with an adjacent Innovation Center
- A new residence hall
- Mixed-use buildings, built by private developers along 17th and 21st Streets, near Oliver, that would include retail stores and restaurants on the first level and apartments on upper levels
- A hotel, built by a private developer, on the southwest corner of 21st and Oliver

The current zoning of Wichita State's main campus and the former Braeburn Golf Course is "SF-5" Single Family with the "U" University Overlay District. The current language of the Unified Zoning Code indicates that the "U" University Overlay District should be applied only to non-university, residential properties adjacent to campus and that properties on campus should be zoned "U" University Base District.

Since neither the "U" University Overlay District nor "U" University Base District permits the proposed Innovation Campus uses and since other university campuses are zoned "U" University Base District, staff recommends the attached amendments to the "U" University Overlay District to create a section that applies to university-owned property on-campus and a different section that applies to non-university, residential property adjacent to campus. The "U" University Overlay District on campus would permit the proposed uses of the Innovation Campus. Since Wichita State has the only on-campus property zoned "U" University Overlay District, Wichita State would be the only campus permitted the Innovation Campus uses if the proposed amendments are approved. Non-university, residential properties in the "U" University Overlay District would continue with existing permitted uses.

**Recommended Action:** Based on the information available prior to the public hearing, staff recommends approval of the proposed amendments to the "U" University Overlay District. This recommendation is based on the following findings.

1. The zoning, uses, and character of the neighborhood: The Wichita State University campus is the predominant use in the neighborhood and establishes the character of the neighborhood. The proposed amendments support the expansion of the campus.
2. The suitability of the subject property for the uses to which it has been restricted: The “U” University Overlay District current restricts the Wichita State University campus to residential uses and uses auxiliary to the university. The proposed amendments permit the typical range of university campus uses as well as proposed innovation campus uses.
3. The extent to which removal of the restrictions will detrimentally affect nearby property: The Wichita State University campus is buffered from nearby property by arterial streets on all four sides. This buffer along with the setback and floor area ratio requirements of the proposed amendments will mitigate detrimental impacts of campus expansion on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The 2030 Wichita Functional Land Use Guide identifies the Wichita State University as appropriate for Major Institutional uses. The proposed amendments are consistent with this functional classification.

**Attachments**: Innovation Campus Master Plan  
Proposed Amendments to the “U” University Zoning District

**SCOTT KNEBEL**, Planning Staff presented the Staff Report.

**MILLER STEVENS** asked about using this Overlay District on other university properties.

**KNEBEL** said they would have to apply and go through the public hearing process.

**FOSTER** commented that the project is important to the community and he is pleased at the way it synchronizes up with the Comprehensive Plan in terms of job creation. He asked about the maximum building heights and if the Fire Department was consulted on that issue.

**KNEBEL** said because there was no change on the maximum building height, the Fire Department was not consulted. He said the building permits received by the State require review by the State Fire Marshall.

**FOSTER** asked if it was an oversight.

**KNEBEL** commented that he noticed that in the text; however, he was proposing to change just the items that needed to be changed in order to accomplish the Innovation Campus Master Plan. He said the proposal is for multiple story buildings.

**FOSTER** suggested that some type of maximum height requirement be added. He also asked about landscaping on the parking lot west of the stadium which he indicated does not meet the landscape ordinance. He said the Code should apply throughout the project.

**KNEBEL** indicated he would have to research the previous building permits issued by the State. He said the Master Plan includes pretty extensive landscaping as a component of all of the proposed projects.

**VANZANDT** said he doubts the City could bind the State to the local landscape requirements.

**FOSTER** said if they are required to meet the local zoning, you would think they are also required to meet the local Code. He asked if any of the projects will come back to the Planning Commission to place additional requirements on since landscaping is not going to happen in this zoning.

**KNEBEL** said State Statutes treats university properties differently than other private properties. He said they are required to meet zoning ordinances, but are exempt from building code and other ordinances.

**FOSTER** said given the excellence of the Innovation Campus Master Plan, he thinks they should carry that through with the landscaping plan.

**KNEBEL** indicated that a representative was present and could address plans for landscaping.

**MILLER STEVENS** asked what other items they don't have to comply with.

**VANZANDT** indicated the developers have been working with local Fire Department Officials on a consulting basis. He said they are required to comply with zoning, traffic and flood control codes.

**MCKAY** asked about the current height restrictions and indicated that he didn't want the Planning Commission to add additional restrictions that don't conform to what is currently allowed at the site.

**KNEBEL** said the current zoning is unclear and staff is correcting that with the Overlay District. He said he did not have information on the heights of the existing buildings on campus. He noted that it was a valid point that any text modifications would apply to the existing campus as well as the Innovation Campus. He said any height number that is lower than what is already built would create nonconformities.

**ERIC KING, DIRECTOR OF FACILITIES PLANNING, WICHITA STATE UNIVERSITY** said they have Code reviews with State of Kansas Department of Administration and the State Fire Marshall. He said they have also consulted with the City on traffic and drainage studies and the Fire Department who they want to know what they are doing since they provide fire protection. He said they have developed restrictive covenants that include provisions on landscaping and parking that developers will have to adhere to.

**FOSTER** asked if the covenant references the City's Landscape Ordinance.

**KING** responded no.

**J. JOHNSON** asked if the University would be willing to make the height requirement no higher than any building that is currently on campus.

**KING** said he didn't see a problem with that requirement and mentioned that they are currently working on some design documents. He said they are recommending that building be no taller than four stories, although currently there are buildings on campus higher than that. He added that there was going to be a Design Review Committee who will review plans in terms of how they fit into the neighborhood and current buildings on campus.

**DENNIS** said he would prefer not to see a height requirement because this was an "innovative campus." He said any limitations at this point in time would be a disservice to what WSU is trying to accomplish. He said he would not support that in a motion.

**MILLER STEVENS** said she believes the Planning Commission should have an assurance that they are not going to get too innovative with their construction projects because the City wants to maintain the integrity of the intersection in relation to the neighborhood. She said everyone is supportive of innovation but she would not want something unusual or bizarre to end up on the corner intersection. She mentioned that Mr. King has given some assurances that there will be oversight.

**GOOLSBY** out @ 1:50 p.m.

**STEVE FAULKEY, #3 CRESTVIEW LAKES ESTATES** said he lives right across the street from WSU. He said he agreed with Commissioner Dennis that restricting building heights on an innovative campus to specific height requirements at this time might not be a good idea. He said he appreciated concerns about preservation of the corners where the hotels will be located. He said he is concerned about the lack of green space. He said Mr. King and his team have done a great job and he believes the surrounding neighborhood will be able to get behind the proposal.

**RICHARD BROWN, 1821 GREENWOOD** said he was a graduate of WSU thinks sprawl is the antitheses of innovation. He referred to the building of the City of Masdar, United Arab Emerits which was totally energy independent. He said he appreciated the concern about height restrictions; however, he mentioned that one tower would save a lot of green space. He said he doesn't understand the rush to allow commercial development along 17<sup>th</sup> and 21<sup>st</sup> Streets. He said he felt a tower would attract attention from various entities including Tesla Motors and Google. He also mentioned moving parking garages underground. He said he would also like to see an international restaurant on the top floor of the tower.

**MOTION:** To approve the amendments to the Unified Zoning Code subject to staff recommendation.

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

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Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 2:08 p.m.

State of Kansas            )  
Sedgwick County        ) <sup>SS</sup>

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

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

(SEAL)