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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, April 16, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, April 16, 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: March 5, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2015-00008: One-Step Final Plat – HIEGER EAST ADDITION**, located on the north side of 61st Street North, West of 231st Street West.

Committee Action: APPROVE 5-0
Surveyor: Ruggles & Bohm, P.A.
Acreage: 10.06
Total Lots: 3

- 2-2. **SUB2015-00009: One-Step Final Plat – FARMERS OIL ADDITION**, located on the east side of Broadway, South of 117th Street North.

Committee Action: APPROVE 5-0
Surveyor: Abbott Land Survey, P.A.
Acreage: 11.1
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. **VAC2015-00007: City request to vacate an ingress - egress easement dedicated by separate instrument and an alley dedicated by separate instrument on property**, generally located on the northeast corner of Broadway and Harry Street.

Committee Action: APPROVE 5-0

- 3-2. **VAC2015-00008: City request to vacate portions of platted complete access control, platted contingent street dedication, a platted setback and a platted utility easement on property**, generally located west of Waco Avenue on the south side of Central Avenue.

Committee Action: APPROVE 5-0

- 3-3. **VAC2015-00009: County request to vacate a platted street right-of-way**, generally located south of 47th Street South, west of K-15 and Clifton Avenue and west of Cedardale Avenue.

Committee Action: APPROVE 5-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2015-00013 and CUP2015-00005 (Deferred from 4-2-15)
Request: City zone change from SF-20 Single-family Residential to LC Limited Commercial and City request for a commercial CUP Community Unit Plan.
General Location: On the southeast corner of 29th Street North and Maize Road.
Presenting Planner: Bill Longnecker
5. Case No.: PUD2015-00002 (**APPLICATION WITHDRAWN**)
Request: County zoning change request from RR Rural Residential to PUD Planned Unit Development for an event center.
General Location: Midway between 101st and 109th Streets North on the east side of Oliver Avenue/47th Street East.
Presenting Planner: Bill Longnecker
6. Case No.: ZON2015-00011
Request: County zone change from RR Rural Residential to LI Limited Industrial to increase lot size and bring property use into zoning compliance.
General Location: One-half mile west of N. 263rd Street West on W. 61st St. North (27132 W. 61st Street North).
Presenting Planner: Dale Miller
7. Case No.: ZON2015-00014 and CON2015-00012
Request: City zone change request from GC General Commercial to LI Limited Industrial and City Conditional Use request for wrecking and salvage.
General Location: On the east side of South Broadway Avenue, midway between MacArthur Road and 47th Street South (4336 S. Broadway Ave.)
Presenting Planner: Bill Longnecker
8. Case No.: ZON2015-00015
Request: City zone change request from GI General Industrial to SF-5 Single family Residential.
General Location: North of 39th Street North on the west side of Hydraulic Avenue.
Presenting Planner: Bill Longnecker
9. Case No.: CON2015-00013
Request: City Conditional Use request for a temporary accessory apartment for a medical hardship on property zoned SF-5 Single family Residential.
General Location: On the north side of West 45th Street North, east of North Arkansas Avenue (402 W. 45th St. N.)
Presenting Planner: Dale Miller

- 10.** Case No.: CUP2015-00006 (**APPLICATION WITHDRAWN**)
Request: City request to amend the LC Limited Commercial zoned Community Unit Plan CUP DP-313 to allow a self storage warehouse on Parcel 8.
General Location: On the southeast corner of 127th Street East and Central Avenue.
Presenting Planner: Dale Miller

NON-PUBLIC HEARING ITEMS

11. Other Matters/Adjournment

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

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, 10th 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.

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 13th 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 13th 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 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 refeed 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).

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).

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 135th and 119th 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 eliminated 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 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.

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).

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.

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 111th Street South and East of South 143rd Street East (11240 S. 143rd 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. 111th Street South and 143rd Street East are sand and gravel roads. Along the applicant's frontage, 143rd 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.6.1; 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).

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 tot the POINT OF BEGINNING

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

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 non conformities.

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 antithesis of innovation. He referred to the building of the City of Masdar, United Arab Emirates 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 17th and 21st 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).

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 2:08 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 _____, 2015.

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

(SEAL)

STAFF REPORT

CASE NUMBER: SUB2015-00008 – HIEGER EAST ADDITION

OWNER/APPLICANT: B & E Investments, Inc., 5512 West Central Avenue, Suite A, Wichita, KS 67212; Tom Hieger (contact purchaser), 1107 West Douglas, Wichita, KS 67213

SURVEYOR/AGENT: Ruggles and Bohm, P.A., Attn: Will Clevenger, 924 North Main, Wichita, KS 67203

LOCATION: North side of 61st Street North, West of 231st Street West (County District III)

SITE SIZE: 10.06 acres

NUMBER OF LOTS

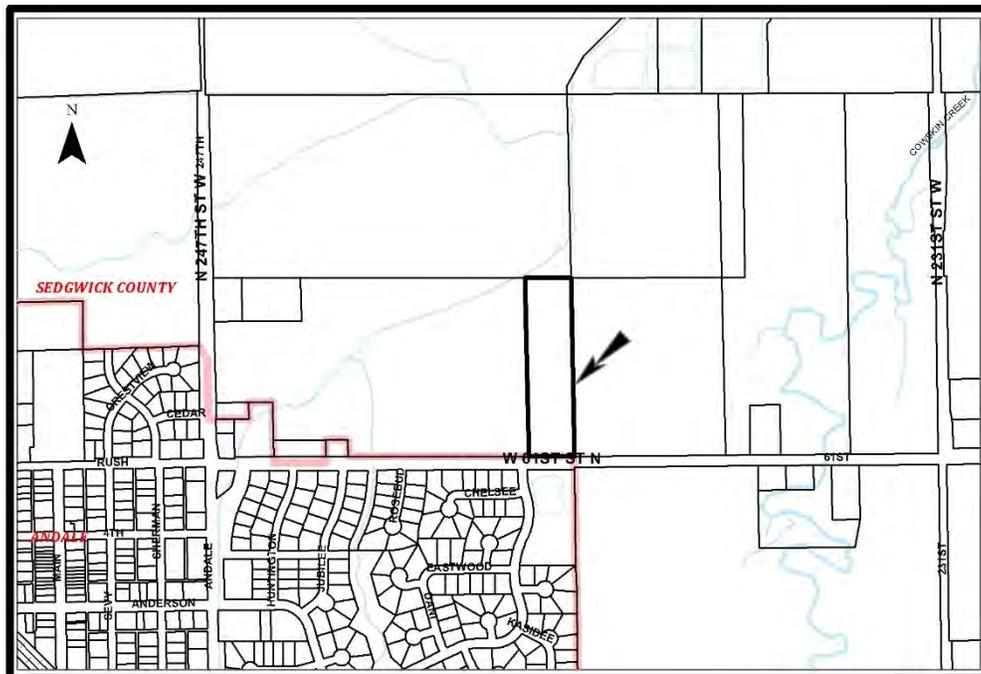
Residential:	3
Office:	
Commercial:	
Industrial:	
Total:	<u>3</u>

MINIMUM LOT AREA: 2.63 acres

CURRENT ZONING: RR Rural Residential

PROPOSED ZONING: Same

VICINITY MAP



SUB2015-00008 -- Plat of HIEGER EAST ADDITION
April 16, 2015 - Page 2

NOTE: This site is located in the County in an area designated as “small city urban growth area” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Andale Area of Influence.

STAFF COMMENTS:

- A. 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 water wells. A memorandum shall be obtained specifying approval.
- B. The plat proposes connection to City of Andale’s sanitary sewer in accordance with that city’s standards. A letter of confirmation shall be provided from Andale.
- C. County Public Works has approved the applicant’s drainage plan. A Notice of Intent and stormwater permit will be needed prior to development.
- D. The plat proposes one opening along 61st Street North. County Public Works has approved access controls.
- E. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- F. A restrictive covenant shall be submitted regarding the reserve, which sets forth ownership and maintenance responsibilities of the private drive.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners’ association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- 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. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- 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.

SUB2015-00008 -- Plat of HIEGER EAST ADDITION
April 16, 2015 - Page 3

- 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 advises that Reserve A allows for public utilities and no additional easements have been requested. Becky Thompson is the Area Construction Service Representative and is working with the applicant on this project. She can be reached at 316-261-6320. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- 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).

STAFF REPORT

CASE NUMBER: SUB2015-00009 – FARMERS OIL ADDITION

OWNER/APPLICANT: Farmer's Oil, Inc., 11402 North Broadway, Valley Center, KS 67147

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

LOCATION: East side of Broadway, South of 117th Street North (County District IV)

SITE SIZE: 11.1 acres

NUMBER OF LOTS

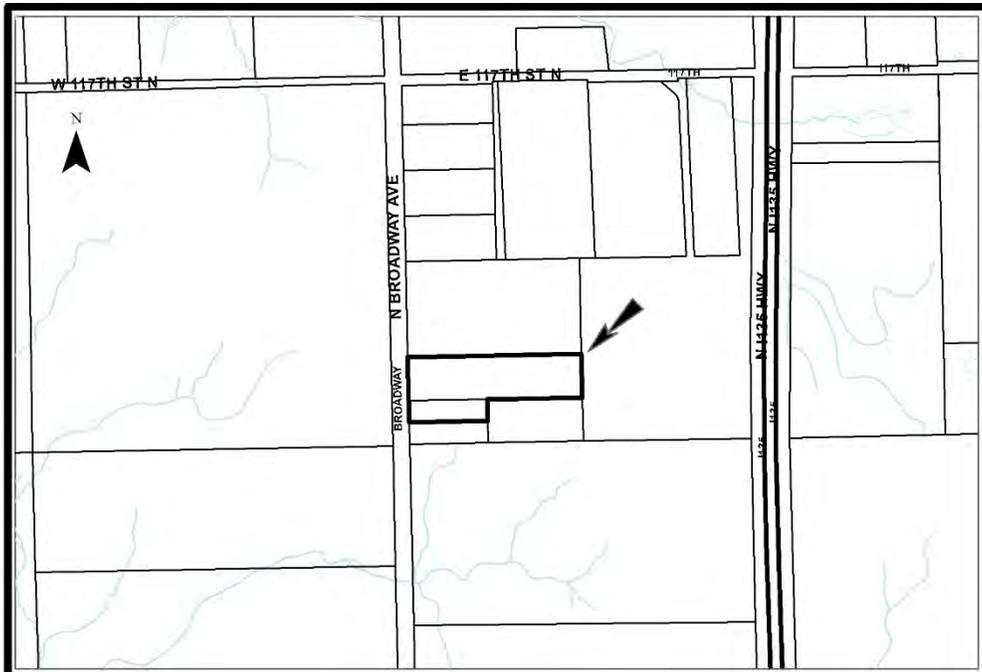
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1

MINIMUM LOT AREA: 11.1 acres

CURRENT ZONING: RR Rural Residential

PROPOSED ZONING: LI Limited Industrial

VICINITY MAP



SUB2015-00009 – Plat of FARMERS OIL ADDITION
April 16, 2015 - Page 2

NOTE: This is unplatted property located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. The applicant requests a zone change (ZON2015-00016) from RR Rural Residential to LI Limited Industrial.

STAFF COMMENTS:

- A. Since sanitary sewer is not 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 facilities. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- B. The site is currently located within the Harvey County Rural Water District No. 1. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection.
- C. County Public Works has approved the drainage plan. A drainage reserve will be needed. Any development over one acre requires a Notice of Intent and stormwater permit prior to development.
- D. For those reserves being platted for drainage purposes, a covenant is needed that provides for ownership and maintenance of the reserves, which 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.
- E. County Surveying requests to be contacted regarding Parcel 1 legal description.
- F. Access controls need to be platted. County Public Works approval is needed for the two existing openings prior to development. Dimensions are needed for access controls. Access control needs to be noted in the platting text.
- G. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- H. The Applicant is advised that if platted, the building setbacks must 85 feet from the centerline of perimeter streets to conform with the Zoning setback standard for County section line roads.
- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- J. 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.
- K. 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.

SUB2015-00009 – Plat of FARMERS OIL ADDITION
April 16, 2015 - Page 3

- 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 requests additional easements. Tracy Wood in the Newton Serving office will be the contact for this plat and she can be reached at 316-284-5709. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- 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).

STAFF REPORT

CASE NUMBER: VAC2015-00007 - City request to vacate an ingress-egress easement dedicated by separate instrument and an alley dedicated by separate instrument

OWNER/APPLICANT: JTS Investments, LLC, City of Wichita, Property Management, c/o John Philbrick (owners) Kaw Valley Engineering, c/o Tim Austin (agent)

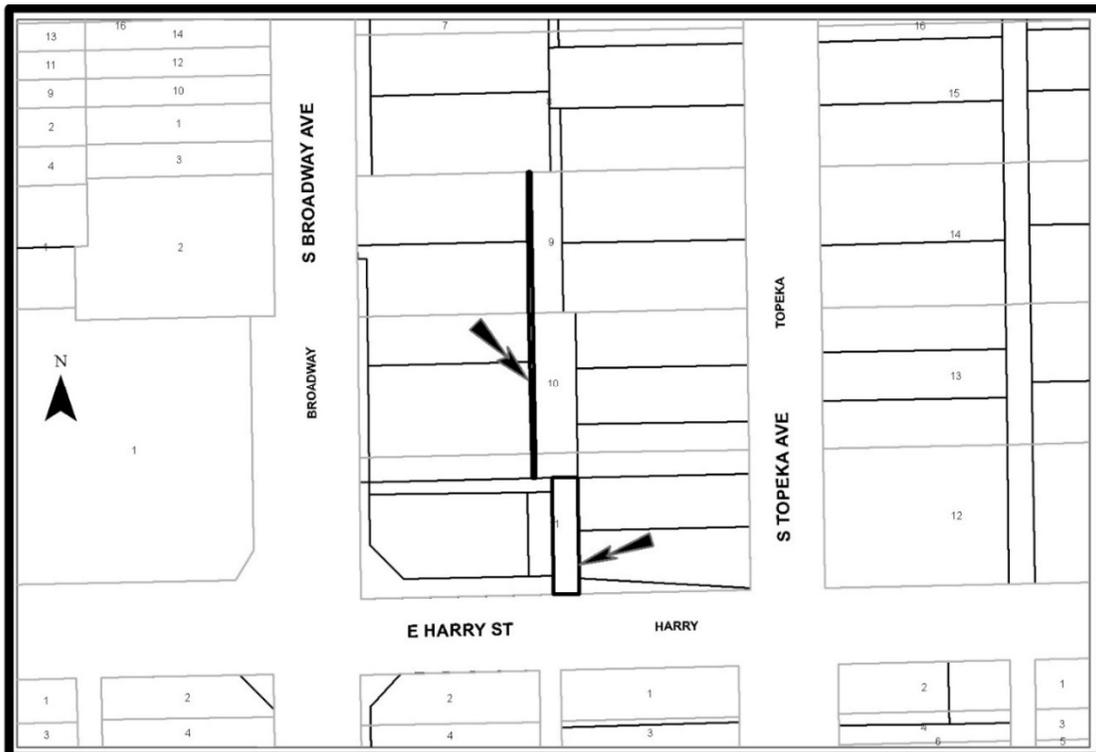
LEGAL DESCRIPTION: Generally described as an ingress-egress easement dedicated by separate instrument, recorded Deed Book 1480 and Page 464, and the alley dedicated by separate instrument, recorded Deed Record 432, Wichita, Sedgwick County, Kansas. (see attached legal)

LOCATION: Generally located on the northeast corner of Broadway and Harry Street (WCC #III)

REASON FOR REQUEST: Future development

CURRENT ZONING: The site and the adjacent west and south properties are zoned GC General Commercial and LC Limited Commercial. Abutting east properties are zoned LC and TF-3 Two-Family Residential. Abutting northern properties are zoned LC.

VICINITY MAP:



The applicant proposes to vacate the described ingress-egress access easement and alley. The ingress-egress access easement is for access to utilities. There appears to be a sewer line and manholes located in the area of the alley and the ingress-egress easement. There are power poles in the area of the alley and the ingress-egress easement. There is a curb cut along Harry Street for the alley.

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 ingress-egress easement dedicated by separate instrument and the alley dedicated by separate instrument .

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

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

- (1) Provide a utility-sewer easement with original signatures to Planning to be sent to City Council for subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) Provide any needed easements for any other utilities, including Westar, impacted by the vacation, prior to this case going to City Council for final action. Relocation and the reconstruction of any other utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to City Standards and at the applicant's expense. Provide Planning with any needed confirmation of the completion of any relocation and reconstruction of any other utilities, including Westar, prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated ingress-egress easement dedicated separate instrument and an alley dedicated by separate instrument by on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.

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

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a utility-sewer easement with original signatures to Planning to be sent to City Council for subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) Provide any needed easements for any other utilities, including Westar, impacted by the vacation, prior to this case going to City Council for final action. Relocation and the reconstruction of any other utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to City Standards and at the applicant’s expense. Provide Planning with any needed confirmation of the completion of any relocation and reconstruction of any other utilities, including Westar, prior to this case going to City Council for final action.
- (3) Provide Planning with a legal description of the vacated ingress-egress easement dedicated separate instrument and an alley dedicated by separate instrument by on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

CASE NUMBER: VAC2015-00008 - Request to vacate portions of platted complete access control, a platted setback, a platted contingent street right-of-way and a platted utility easement

OWNER/AGENT: City of Wichita, Property Management, c/o John Philbrick (owners) Kaw Valley Engineering, c/o Tim Austin (agent)

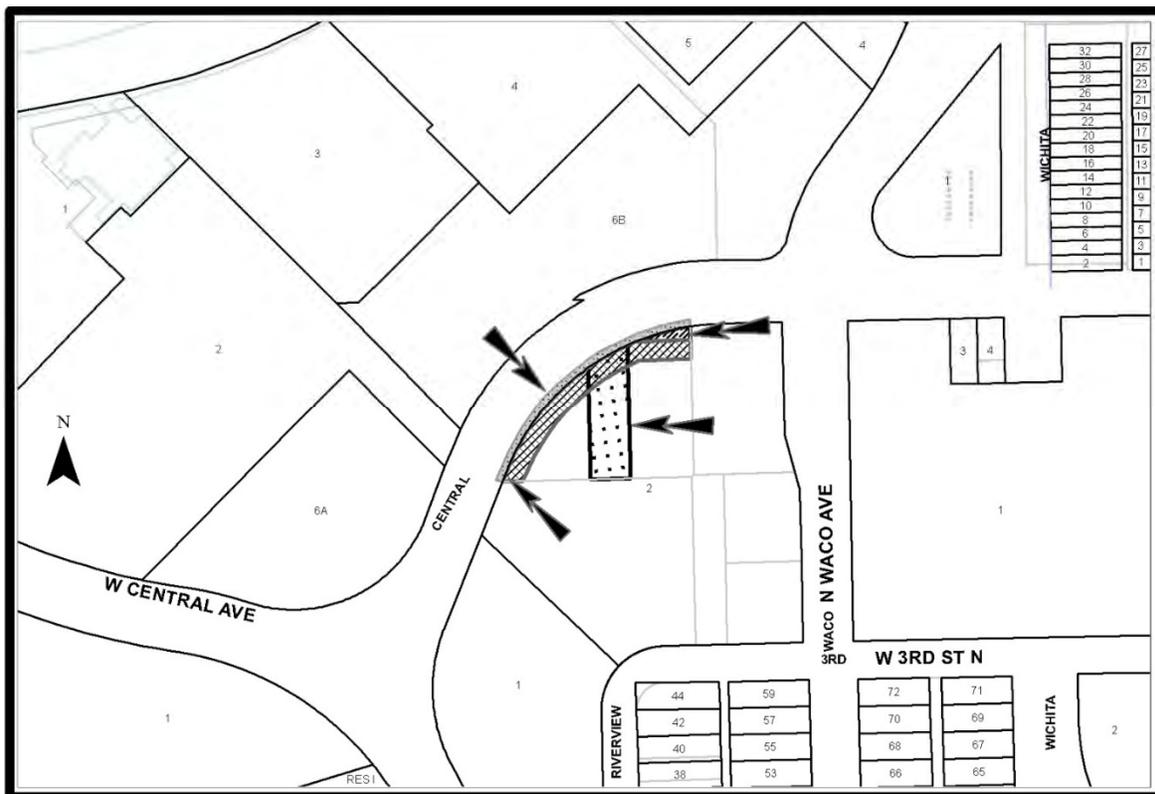
LEGAL DESCRIPTION: Generally described as vacating that portion of platted complete access control, a platted 35-foot setback, both running parallel to Central Avenue & a portion of Lot 2, a platted contingent street right-of-way located the northeast corner of a Lot 2, and a platted north-south 70-foot wide utility easement located on a portion of Lot 2, all in the Emerson Addition, Wichita, Sedgwick County, Kansas. (see attached legal)

LOCATION: Generally located west of Waco Avenue on the south side of Central Avenue (WCC #II)

REASON FOR REQUEST: Future development

CURRENT ZONING: Subject property, abutting south and adjacent east and west properties are zoned CBD Central Business District. Adjacent north property is zoned B Multi-Family Residential.

VICINITY MAP:



The applicants are requesting consideration to vacate:

- (a) That portion of platted complete access control, running parallel to Central Avenue & a described portion of Lot 2, Emerson Addition, Wichita, Sedgwick County, Kansas. *The applicant has provided a site plan that shows one drive located on the south portion of the subject lot, Parcel B of Lot 2, Emerson Addition.*
- (b) A platted 35-foot setback, both running parallel to Central Avenue & a described portion of Lot 2, Emerson Addition, Wichita, Sedgwick County, Kansas. The CBD zoning district has no minimum front or street side yard setbacks. *VAC2004-00045 vacated 15 feet of the platted 35-foot building setback on Parcel A of Lot 2, Emerson Addition. All of Lot 2, Emerson Addition, was zoned GC General Commercial at the time VAC2014-00045 was approved.*
- (c) A platted contingent street right-of-way (Central Avenue) located the northeast corner of a described portion of Lot 2, Emerson Addition, Wichita, Sedgwick County, Kansas. *VAC2004-00045 vacated the platted contingent street right-of-way (Central Avenue) on Parcel A of Lot 2, Emerson Addition.*
- (d) A north-south platted 70-foot wide utility easement located on a described portion of Lot 2, all in the Emerson Addition, Wichita, Sedgwick County, Kansas. *There appears to be a water line and water node with perhaps a water valve located in the south 10 feet of the subject easement, which intersects with a platted 20-foot wide east-west utility easement.*

Westar has utilities/street lights in the area of the vacation request along Central Avenue. The Emerson Addition was recorded with the Register of Deeds May 12, 1980. Commercial Lot Split SUB2004-2004 created Parcels A, Lot 2 and B Lot 2 (the subject site), Emerson 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/Storm Water, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of platted complete access control, a platted setback, a platted contingent street right-of-way and a platted utility easement.

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

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

- (1) Vacate the platted complete access control running parallel to Central Avenue and Parcel B of Lot 2, Emerson Addition, to allow one drive onto Central Avenue, as approved by the Traffic Engineer.

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

- (2) Vacate the east and south 15 feet of the platted 35-foot building setback that runs parallel to Central Avenue and Parcel B of Lot 2, Emerson Addition.
- (3) Vacate the north-south platted 70-foot wide utility easement located on Parcel B of Lot 2, Emerson Addition. As needed retain the south portion of said easement for a water line and water node with perhaps a water valve is located. Provide Planning with a legal description of the vacated portion of platted 70-foot wide utility easement on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (4) Vacate the platted contingent street right-of-way. Provide Planning with a legal description of the vacated platted contingent street right-of-way on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (5) Any relocation or reconstruction of utilities, including Westar, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide franchised utilities, including Westar, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.
- (6) Provide plans for review and approval by the Traffic Engineer that will provide a left hand turn lane located in what is now a full curbed center median along this portion of Central. Approval of these plans must be provided to Planning prior to the case going to City Council for final action.
- (7) All improvements shall be according to City Standards and at the applicant's expense.
- (8) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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 platted complete access control running parallel to Central Avenue and Parcel B of Lot 2, Emerson Addition, to allow one drive onto Central Avenue, as approved by the Traffic Engineer. Provide Planning with a legal description of the vacated portion of complete access control on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.

- (2) Vacate the east and south 15 feet of the platted 35-foot building setback that runs parallel to Central Avenue and Parcel B of Lot 2, Emerson Addition.
- (3) Vacate the north-south platted 70-foot wide utility easement located on Parcel B of Lot 2, Emerson Addition. As needed retain the south portion of said easement for a water line and water node with perhaps a water valve is located. Provide Planning with a legal description of the vacated portion of platted 70-foot wide utility easement on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (4) Vacate the platted contingent street right-of-way. Provide Planning with a legal description of the vacated platted contingent street right-of-way on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (5) Any relocation or reconstruction of utilities, including Westar, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide franchised utilities, including Westar, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.
- (6) Provide plans for review and approval by the Traffic Engineer that will provide a left hand turn lane located in what is now a full curbed center median along this portion of Central. Approval of these plans must be provided to Planning prior to the case going to City Council for final action.
- (7) All improvements shall be according to City Standards and at the applicant's expense.
- (8) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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:** VAC2015-00009 - County request to vacate platted street right-of-ways
- APPLICANT/AGENT:** Oaklawn Improvement District (applicant/owner) MKEC, c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating (a) that portion of the Oaklawn Drive right-of-way located approximately 226-feet west of the Oaklawn Drive – Cedardale intersection, abutting portions of Reserves D & F and abutting Reserves C, H & E AND (b) that portion of the Idlewild Drive right-of-way located west of the west lot lines of Lot 1, Block 9 and Lot 25, Block 10, and abutting Reserve H, ALL in the Oaklawn Subdivision, Sedgwick County, Kansas
- LOCATION:** Generally located south of 47th Street South, west of K-15 and Clifton Avenue and west of Cedardale Avenue (BoCC #5)
- REASON FOR REQUEST:** Vacated unimproved street right-of-ways to be used for recreational development
- CURRENT ZONING:** The site is a public street right-of-way. Abutting properties are zoned SF-5 Single-Family Residential and SF-20 Single-Family Residential
- VICINITY MAP:**



The applicant is requesting the vacation of:

- (a) that portion of the 60-foot wide Oaklawn Drive right-of-way located approximately 226-feet west of the Oaklawn Drive – Cedardale intersection, abutting portions of Reserves D & F and abutting Reserves C, H & E, the Oaklawn Subdivision, Sedgwick County, Kansas.
- (b) that portion of the 50-foot wide Idlewild Drive right-of-way located west of the west lot lines of Lot 1, Block 9 and Lot 25, Block 10, and abutting Reserve H, all in the Oaklawn Subdivision, Sedgwick County, Kansas.

The Oaklawn – Idlewild street right-of-ways are designed as an internal loop within the Oaklawn Improvement District's property. Currently this portion of Oaklawn Drive ends as it merges into drives that serve the Oaklawn Improvement District's baseball fields. This portion of Idlewild Drive dead-ends at the Oaklawn Improvement District's east side of Reserve H. No properties will be denied access to public street right-of-way by the vacation request. There are no public utilities located in the described portions Oaklawn Drive - Idlewild Drive right-of-ways. Westar has equipment in the area of the vacation request. The Oaklawn Subdivision was recorded with the Register of Deeds December 5, 1951.

Although the case is located in Sedgwick County it is also located within the City of Wichita's 3-mile ring subdivision jurisdiction. This means the Wichita City Council must consider the request and make a recommendation prior to the request going to the Sedgwick County Commission for final action.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County/City Public Works, Water & Sewer, 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 unimproved, platted street right-of-ways.

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

- 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 March 26, 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 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) If needed dedicate portions of the described vacated portion of the unimproved, platted street right-of-ways as a utility easement for utilities. If these are public easements provide to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are private easements, provide Planning with approval from the participating franchised utility.

- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. 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 County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities , provide Planning with approval from the participating franchised utility
- (3) Provide original restrictive covenant(s) binding and tying the vacated portions of the described street right-of-ways to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (4) Provide Planning with a legal description of the vacated street right-of-ways on a Word document, via e-mail. This must be provided to Planning prior to the case going to County Commission for final action.
- (5) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense. Provide County Fire with an emergency access easement, which in turn must be provided to Planning prior to the case goes to the County Commission for final action and subsequent recording with the Register of Deeds.
- (6) Provide County Public Works with dedication of street right-of-way which in turn must be provided to Planning prior to the case goes to the County Commission for final action and subsequent recording with the Register of Deeds.
- (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) If needed dedicate portions of the described vacated portion of the unimproved, platted street right-of-ways as a utility easement for utilities. If these are public easements provide to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are private easements, provide Planning with approval from the participating franchised utility.
- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. 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 County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities , provide Planning with approval from the participating franchised utility

- (3) Provide original restrictive covenant(s) binding and tying the vacated portions of the described street right-of-ways to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (4) Provide Planning with a legal description of the vacated street right-of-ways on a Word document, via e-mail. This must be provided to Planning prior to the case going to County Commission for final action.
- (5) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense. Provide County Fire with an emergency access easement, which in turn must be provided to Planning prior to the case goes to the County Commission for final action and subsequent recording with the Register of Deeds.
- (6) Provide County Public Works with dedication of street right-of-way which in turn must be provided to Planning prior to the case goes to the County Commission for final action and subsequent recording with the Register of Deeds.
- (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.

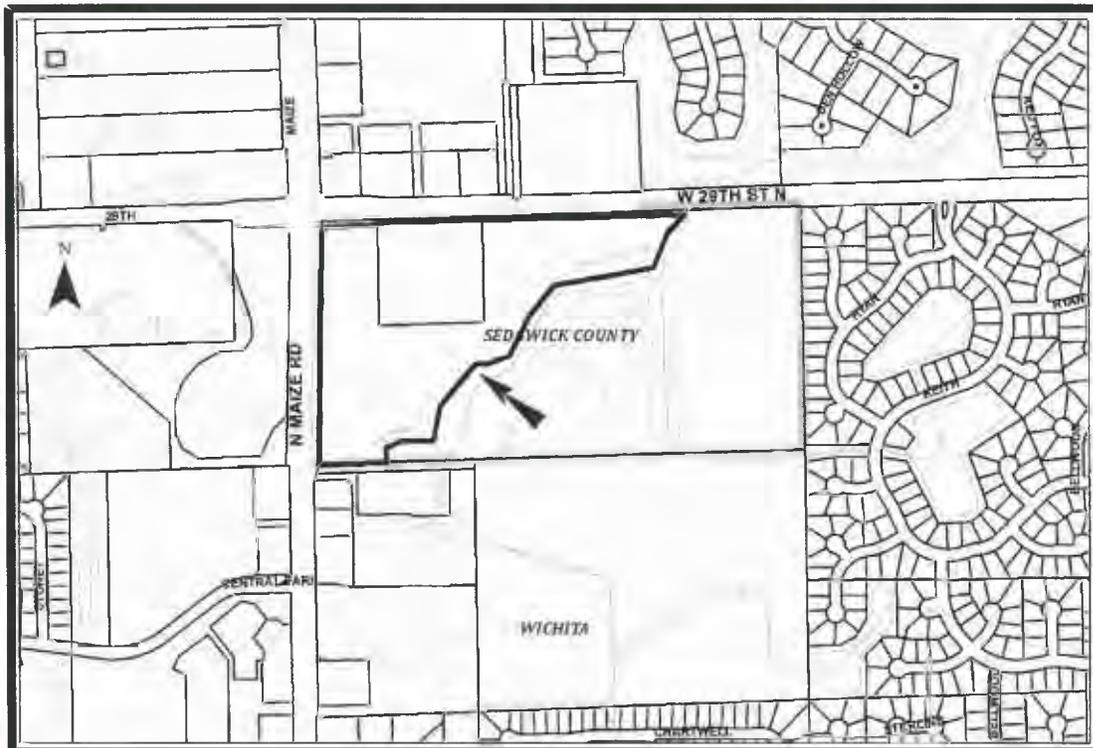


STAFF REPORT

MAPC April 16, 2015

DAB V April 20, 2015

- CASE NUMBER:** ZON2015-00013 – CUP2015-00005
- APPLICANT/AGENT:** Cadillac Lake, LLC (applicant/owner) PEC c/o Charles Brown (agent)
- REQUEST:** Zone change to LC Limited Commercial and creation of the Cadillac Lake Community Unit Plan CUP DP-336
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** Approximately 30.66-acres
- LOCATION:** Located on the southeast corner of 29th Street North and Maize Road
- PROPOSED USE:** Commercial development



BACKGROUND: The applicant is seeking LC Limited Commercial zoning on the SF-5 Single-Family Residential zoned 30.66-acres unplatted tract, subject to the development standards contained in the proposed Cadillac Lake Commercial Community Unit Plan CUP DP-336. The proposed CUP will be developed with either big box retail or big commercial strip buildings located in its interiors with smaller commercial strip buildings and stand-alone full service and fast food restaurants located along the Maize Road and 29th Street North frontage. The Unified Zoning Code (UZC) recommends a CUP or a PO Protective Overlay for LC and GC General Commercial zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

The site is located on the southeast corner of the 29th Street North and Maize Road intersection. The site is currently farmland with a farmhouses (built 1920) and numerous accessory agricultural buildings. The applicant owns the abutting SF-5 zoned eastern property (also annexed into Wichita April 7, 2015), which is farmland with multiple ponds/detention depressions located on it. Most of the applicant's properties are located within a FEMA Flood Zone, which extends north, northwest, west and south of the applicant's properties. The applicant's development concept shows a 38.71-acre off-site constructed wetland and lake separating it from a SF-5 zoned urban scale subdivisions located approximately 580-2,100 feet east of the proposed CUP; Bradford North Addition, recorded March 4, 1996.

North of the site, across 29th Street North, is the 38.09-acre LC zoned commercial CUP DP-327 (ZON2012-00024 - CUP2012-00021), which contains a Sams wholesale store and its accessory gas station. There are also a SF-5 zoned large tract single-family residence and the urban scale Fox Ridge Addition (recorded July 8, 2003) and the Fox Ridge 2nd Addition (recorded June 14, 2007) located north of the site across 29th Street North. Development to the west and northwest of the site, across Maize Road and 29th Street North, include the undeveloped LC zoned CUP DP-278, undeveloped SF-5 zoned land, SF-5 zoned large tract single-family residences and the SF-5 zoned urban scale subdivisions Evergreen 4th Addition (recorded November 25, 2003) and the Evergreen 5th Addition (recorded October 14, 2004). A quarter mile northwest of the site is a portion of the City of Maize developed as a mix of urban scale and large tract single-family residential and farmland.

The mostly developed LC zoned CUP DP-327 abuts the south side of the site, as does the City of Wichita's SF-5 zoned wildlife reserve and pump station. The City owned wildlife reserve provides a buffer between DP-327 and an east SF-5 single-family residences, similar to the applicant's development concept showing an off-site constructed wetland and lake. CUP DP-327 is developed in its interior with a large box retail store with a smaller fast food restaurant and a smaller full service restaurant located along the Maize Road frontage. Maize Road from 29th Street North to 21st Street North, is dominated by predominately LC zoned CUP's developed in a similar manner; big box retail and big commercial strip buildings located in their interiors with smaller commercial strip buildings and stand-alone full service and fast food restaurants located along the Maize Road frontage. Urban scale SF-5 zoned single-family residential neighborhoods are generally located behind the commercial development along Maize Road and its intersections with 21st, 29th, and 37th Streets North.

CASE HISTORY: The site is not platted. The City Council of Wichita approved annexation into the City of Wichita at their April 7, 2015, meeting. The annexation ordinance was published in the April 10, 2015, Wichita Eagle.

ADJACENT ZONING AND LAND USE:

NORTH: LC, SF-5	Urban scale single-family residences, large tract single-family residences, large box retail, gas station, City of Maize
SOUTH: LC, SF-5, GC	Wildlife reserve and pump station, multiple large box retail, stand-alone commercial and retail strips
EAST: SF-5	Urban scale single-family residences
WEST: LC, SF-5	Undeveloped land, urban scale single-family residences

PUBLIC SERVICES: Access to the site is provided by the four-lane, minor arterial street 29th Street North and the four-lane, principle arterial street Maize Road. 29th Street North has center turn lanes, as does Maize Road. This intersection has traffic lights. 29th Street North has a full raised median with cuts for access running parallel to the north side of the site. Traffic counts range from 12,000-10,000 trips per day on Maize Road and 2,700-4,550 trips per day on 29th Street North. Projected traffic volumes for 2035 under the build scenario from the WAMPO travel demand model shows traffic counts ranging from 19,150-18,660 trips per day on Maize Road and 8,900-9,430 trips per day on 29th Street North. Annexation into Wichita allows extension of Wichita’s public utilities to the site. All other utilities are available to the site. Most of the site is located in a FEMA Flood Zone.

CONFORMANCE TO PLANS/POLICIES: The “2030 Land Use Guide of the Comprehensive Plan” (Land Use Plan) identifies the site as “urban development mix.” The urban development mix category has uses found in the “urban residential use” category, with a strong likely hood that strong concentrations of “major institution uses,” “local commercial uses,” and “parks and open space uses” will also be developed in land categorized as urban development mix. The UZC identifies LC zoning as being generally compatible with the Plan’s local commercial category.

The size of the site, approximately 30.66-acre, and the concept design of the site’s CUP are similar to the existing commercial development patterns located in the Maize Road corridor, which is stand-alone retail and small strip retail anchored by big box retail such as Wal-Mart, Target, Lowes and Menards or big retail strip buildings. The CUP’s largest parcel, the 13.77-acre Parcel 8, is large enough for big box retail or a big retail strip. The Land Use Plan’s local commercial category does not list big box retail as a use, however the Land Use Plan’s “regional commercial” category does list big box retail as a use. The regional commercial category lists uses that have a regional market draw, can generate high traffic volume and are located in close proximity to major arterials or freeways. The UZC does not list big box retail, strip retail or stand alone retail as use types, but bundles them together in the definition of “retail, general”; UZC SecIII.D, ‘Use Regulations’ and Sec.II.B.11.1.

The LC zoning request conforms to the local commercial category, but the size of the site and the site’s CUP’s design suggest regional commercial types of development, similar to what is

currently lining this portion of Maize Road. The site's location along Maize Road, a principle/major arterial, the minor arterial 29th Street North, and having no vehicular access through residential streets or neighborhoods meets the locational criteria of the Comprehensive Plan for regional commercial development. Additional right-of-way for road improvements, Ingress and egress onto Maize Road and 29th Street North will be determined at the time of a platting.

The UZC recommends a CUP or a PO for LC and GC zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends APPROVAL, per the approved provisions of the CUP and platting within a year of approval of the zone change and CUP by the governing body. The following are recommended revisions to the provisions:

- (a) General Provision #3 - Permitted Uses: Single-family residential, duplex, townhome, assisted living, group home, church or place of worship, government service, hospital, library, nursing facility, safety service, automated teller machine, bank or financial institution, car wash, convenience store, service station, limited vehicle repair, funeral home, hotel or motel, medical service, general office, personal care service, personal improvement service, printing and copying (limited), restaurant, university or college and general retail. Restaurants with drive thru windows, or drive in service, convenience stores, car washes, and service stations are not allowed on Parcel 9. Uses requiring Conditional Use approval shall require an amendment to the CUP and are not allowed unless specifically permitted.
- (b) General Provision #5 - Access controls, deceleration lanes, left turn lanes, additional right-of-way and other improvements shall be as shown on the final plat. A concept traffic study shall be submitted to the City's Traffic Engineer as part of the approval of the CUP.
- (c) General Provision #6 - Landscaping for this site shall be required as follows:
 - A. Development of all parcels within the CUP shall comply with the Landscape Ordinance of the City of Wichita, except as noted, with a shared palette of landscape materials among parcels.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the types, location, care and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit. As agreed
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted. Failure to maintain the required landscaping shall be considered a violation of the CUP after a joint determination of the Planning Director and the Superintendent of Central Inspection. Any landscaping needed to be replaced will be replaced within 60-days or the nearest growing season, depending on the time of the death of the plant.
 - D. Landscaping along the east side of the CUP shall will be increased by a minimum of

1.5 times the code's required size and quantity. The minimum height for conifers will be six to eight feet. The additional landscaping will compensate for the applicant's request that a masonry wall not be required along the east side of the CUP

E. Parking lot landscaping will be similar to what is shown on the Cadillac Lake concept plan, an exhibit attached to the Cadillac Lake CUP.

(d) General Provision #7 – Setbacks will be a minimum of 35 feet around the perimeter of the CUP. All other setbacks will be the LC Limited Commercial zoning district.

(e) General Provision #8 - Signs will be as allowed by the Sign Code, City Code Title 24.04 of the City of Wichita, for the LC Limited Commercial zoning district with the following provisions:

A.) Parcel #9 – Three monument signs 10-foot tall with each having 100 square feet of signage

B.) Parcel #8 – One monument sign on Maize Road, 15-foot tall with 150 square feet of signage 10-foot tall with 100 square feet of signage. One monument sign on 29th Street North, 15-foot tall with 150 square feet of signage 10-foot tall with 100 square feet of signage

C.) Parcel #7 – One monument sign 10-foot tall with 100 square feet of signage

D.) Parcel #6 – Two monument signs 12-foot tall with each having 120 square feet of signage

E.) Parcel #5 – One monument sign 12-foot tall with 120 square feet of signage

F.) Parcel #4 – Two monument sign 12-foot tall with each having 120 square feet of signage

G.) Parcel #3 – Two monument sign 12-foot tall with each having 120 square feet of signage

H.) Parcel #2 - One monument sign 12-foot tall with 120 square feet of signage

I.) Parcel #1 - – One monument sign on Maize Road, 15-foot tall with 150 square feet of signage

J.) One monument sign on Maize Road, 30 foot tall with 300 square feet of signage. One monument sign on 29th Street North, 30 foot tall with 300 square feet of signage.

- All building signs shall meet the City of Wichita Sign Code for the LC zoning district, shall not exceed 3 total building signs per street frontage, per building, and limited to 20% of the facade elevation with no individual sign exceeding 400 sq. ft. No signs shall be allowed on the east elevation of any buildings.

(e) General Provision #10: All buildings in the CUP shall share uniform architectural character, color, texture. The predominate building material for all buildings over 100 feet long and/or 100 feet wide will be a mix of architectural block that will break up the surface of each of the buildings in the CUP. Architectural embellishments will also be used to break up the surface of these buildings. All to be reviewed and approved by the Planning Director prior to the issuance of any building permits. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas. Metal as an exterior material shall be limited to incidental accent.

(f) General Provision #13: Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the CUP.

(g) General Provision #14: A Drainage Plan shall be submitted to the City's Public

Works Stormwater Manager/Engineer for review and approval with plat. Required guarantees for drainage shall be provided at the time of approval of the plat.

(h) General Provision #16:

- Rooftop mechanical equipment and heating and air conditioning shall be screened from ground level view along public street right-of-way and adjacent residential zoned properties with similar materials to the main building per Wichita-Sedgwick County Unified Zoning Code.
- Trash receptacles, loading docks, outdoor storage, loading areas, compactors, portable storage units and similar areas/uses shall have solid screening with similar materials to the main building, a minimum of 6 feet tall or taller, to reasonably hide them from ground view.

(i) General Provision #17: No masonry wall shall be required along the east side of the CUP as long as the abutting SF-5 zoned property is maintained as constructed a Lake and wetlands as shown on the attached Cadillac Lake concept plan.

(j) Combine General Provisions #20 and 21: All lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV unless otherwise specified. All lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas/zoning. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.). Limited height of light poles, including fixtures, lamps and base, is 27 feet. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

(k) ADD: A notice of a CUP noting the conditions placed on this land shall be filed with the Sedgwick County Register of Deeds.

(l) ADD: Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

(m) ADD: Amendments, adjustments or interpretations to this CUP shall be done in accordance with the Wichita-Sedgwick County Unified Zoning Code.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Maize Road from 29th Street North to 21st Street North, is dominated by predominately LC zoned CUP's developed in a similar manner; big box retail and big commercial strip buildings located in their interiors with smaller commercial strip buildings and stand-alone full service and fast food restaurants tending to be located along the Maize Road frontage. The subject site's location on the southeast corner of 29th Street and Maize gives it exposure on an arterial and minor arterial road, much like the LC zoned 38.09-acre CUP DP-327, located north of the site, on the northeast corner of 29th Street North and Maize Road. Urban scale SF-5 zoned single-family residential neighborhoods are generally located behind the commercial development along Maize Road and its intersections with 21st, 29th, and 37th Streets North.

2. The suitability of the subject property for the uses to which it has been restricted: Prior to its April 10, 2015, annexation into the City of Wichita, the then SF-20 zoned 30.66-acre site was the last remaining county farming operation on the 29th Street North – Maize Road intersection. Annexation changed the SF-20 zoning into SF-5 zoning. The SF-5 zoning district is intended to accommodate moderate-density, single-family residential development

and complementary land uses. The site's location the Maize Road arterial and 29th Street North minor arterial roads, plus the commercial development along these roads makes them less attractive for moderate-density, single-family residential development

3 Extent to which removal of the restrictions will detrimentally affect nearby property:

Abutting south and adjacent west and north properties are zoned LC (with smaller areas of GC zoning) with CUP overlays. They are developed in a similar manner; big box retail and big commercial strip buildings located in their interiors with smaller commercial strip buildings and stand-alone full service and fast food restaurants located along the Maize Road frontage and its intersections. The applicant's request is similar. Urban scale SF-5 zoned single-family residential neighborhoods are generally located behind the commercial developments. The applicant's development concept and CUP drawing shows an off-site 38.71-acre open space/constructed wetland with a lake buffer separating the proposed CUP from the east SF-5 urban scale single-family residential neighborhood, which will help minimize any negative impact on the east single-family residential neighborhood, as will the other provisions of the proposed CUP.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Land Use Guide of the Comprehensive Plan" (Land Use Plan) identifies the site as "urban development mix." The urban development mix category has uses found in the "urban residential use" category, with a strong likelihood that strong concentrations of "major institution uses," "local commercial uses," and "parks and open space uses" will also be developed in land categorized as urban development mix. The UZC identifies LC zoning as being generally compatible with the Plan's local commercial category.

The size of the site, approximately 30.66-acre, and the concept design of the site's CUP are similar to the existing commercial development patterns located in the Maize Road corridor, which is stand-alone retail and small strip retail anchored by big box retail such as Wal-Mart, Target, Lowes and Menards or big retail strip buildings. The CUP's largest parcel, the 13.77-acre Parcels 8, is large enough for big box retail or a big retail strip. The Land Use Plan's local commercial category does not list big box retail as a use, however the Land Use Plan's "regional commercial" category does list big box retail as a use. The regional commercial category lists uses that have a regional market draw, can generate high traffic volume and are located in close proximity to major arterials or freeways. The UZC does not list big box retail, strip retail or stand-alone retail as use types, but bundles them together in the definition of "retail, general"; UZC SecIII.D, 'Use Regulations' and Sec.II.B.11.1.

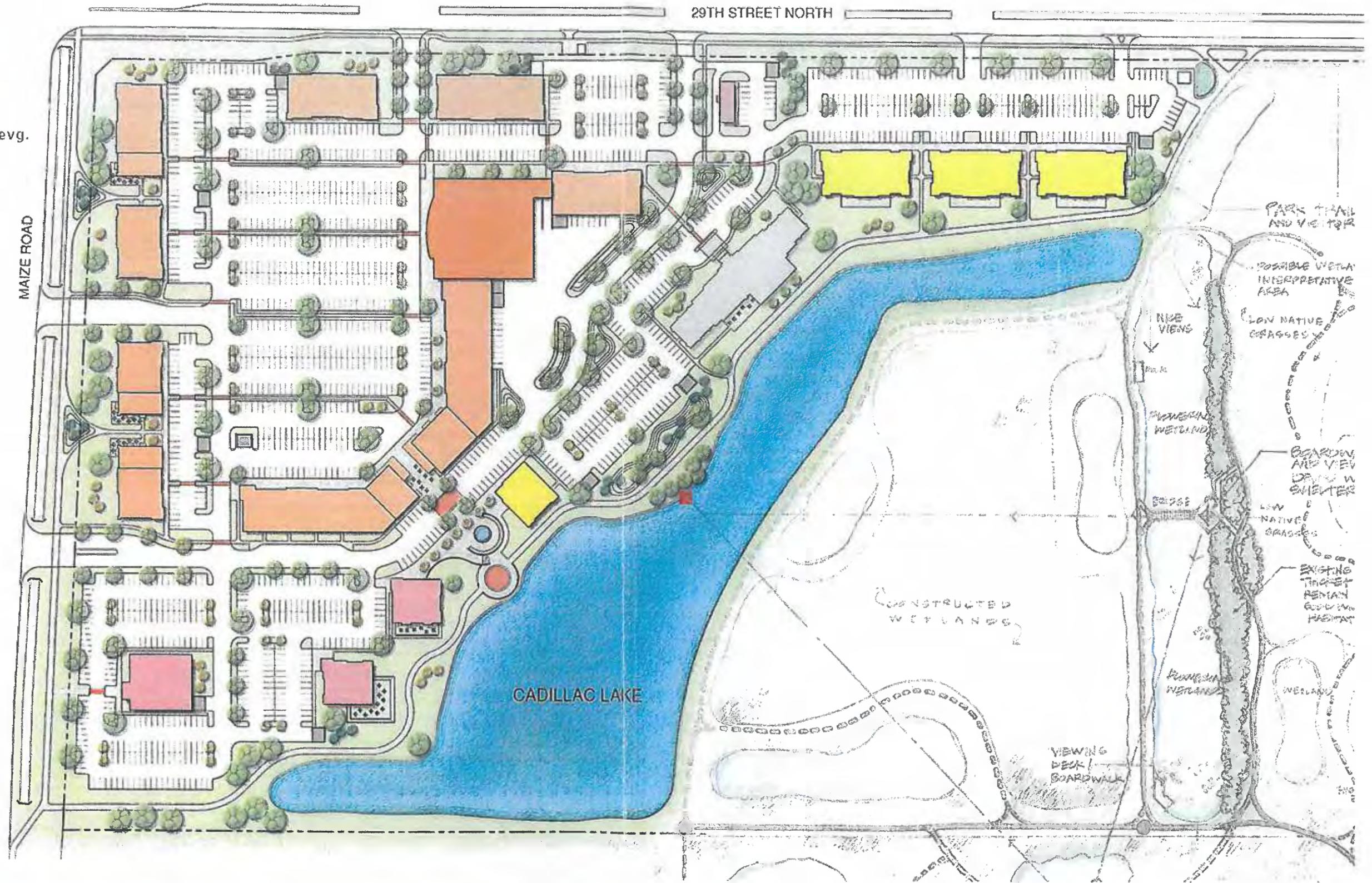
The LC zoning request conforms to the local commercial category, but the size of the site and the site's CUP's design suggest regional commercial types of development, similar to what is currently lining this portion of Maize Road. The site's location along Maize Road, a principle/major arterial, the minor arterial 29th Street North, and its having no vehicular access through residential streets or neighborhoods meets the locational criteria of the Comprehensive Plan for regional commercial development. Additional right-of-way for road improvements, Ingress and egress onto Maize Road and 29th Street North will be determined at the time of a platting.

The UZC recommends a CUP or a PO for LC and GC zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

5. Impact of the proposed development on community facilities: Stormwater management is the major consideration, which is reflected in the applicant's concept plan showing an off-site 38.71-acre open space/constructed wetland with a lake buffer. This is similar to the south abutting LC zoned CUP DP-327, which has the City of Wichita's SF-5 zoned wildlife reserve and pump station managing stormwater.

Legend

- Retail
- Retail-Food/Bevg.
- Restaurant
- Office
- Hotel





AGENDA ITEM NO. 6

STAFF REPORT
Andale 4-8-2015
MAPC 4-16-2015

CASE NUMBER: ZON2015-00011

APPLICANT/AGENT: Gary L. Sigg / Garber Surveying Service, P.A. (Dan Garber)

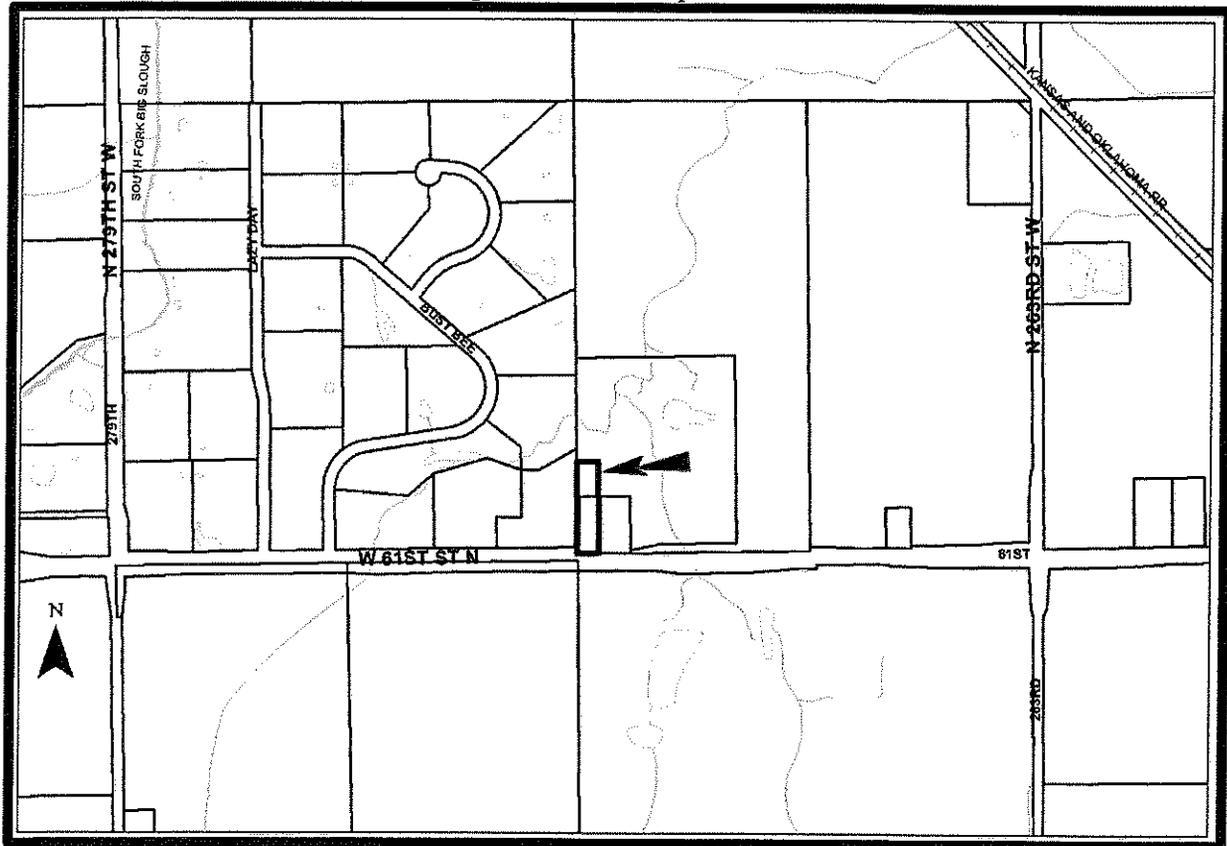
REQUEST: LI Limited Industrial

CURRENT ZONING: RR Rural Residential

SITE SIZE: 1.514 acres

LOCATION: North side of West 61st Street North, ½ mile west of North 263rd Street West

PROPOSED USE: Welding or Machine Shop



BACKGROUND: The application area is located on the north side of West 61st Street North, approximately ½ mile west of North 263rd Street West (27132 West 61st Street North). The property (.93894 acre) is unplatted, is zoned Rural Residential (RR) and is developed with two metal buildings containing a nonconforming use, a “welding or machine” shop. Established in 1976, the welding or machine shop contains an estimated 8,230 square feet of gross floor area. The business employs four full-time, and up to five part-time, employees.

The welding or machine shop is a nonconforming use based upon the circumstance that the site’s RR zoning, established in 1985, does not permit a machine shop except as a “rural home occupation.” The site does not contain a residence; therefore, the use is not eligible to operate a “rural home occupation.” (See *Wichita-Sedgwick County Unified Zoning Code (UZC)* Article IV, Section IV-E.1-8.) The applicant wishes to enlarge the size of the existing buildings housing the welding or machine shop, and has transferred an additional .575 acre from the applicant’s 21 acres located north of the existing developed site. Including the newly acquired land, the application area encompasses 1.514 acres, which is also nonconforming with respect to RR district’s minimum lot area requirements. The RR district requires a minimum lot area of two acres. (See UZC Article III, Section III-B.2.d(1).) Finally, at some point in the past the floor area of the initial building (or buildings) housing the nonconforming use was expanded to the maximum amount (30 percent) allowed. (See UZC Article VII-B.2.) Therefore, in order to expand the floor area of the existing nonconforming welding or machine shop the applicant needs the site to be properly zoned; hence, the request for Limited Industrial (LI) zoning. (See Article III, Section III-B.20.b(4).)

The property utilizes onsite water well and septic system.

The UZC defines a welding or machine shop as a “workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.” (See Article II, Section II-B.14.n.)

The off-street parking ratio for a welding or machine shop is one space per 500 square feet of floor area. (See Article IV, Section IV-A.4.) If the applicant feels that the code specified parking is excessive, the applicant may submit a parking study that demonstrates that fewer spaces are needed because of circumstances specific to the use’s characteristics. The drive aisles, parking spaces and circulation areas are to be an all-weather surface, such as rock, asphalt or concrete. It appears the drive aisles, parking spaces and circulation areas are rocked.

The UZC (Article IV, Section IV-B.3.d) also requires that screening be provided along the rear and side yards of all nonresidential uses abutting residential zoning. The required screening may be fencing/walls, evergreen vegetation, a landscaped berm or some combination of the three methods of screening. The site appears to have significant existing hedgerows along the east side, and along portions of the west property line. The portion of the west property line that does not have extensive screening appears to be located where the west side of the existing structures provide screening that accomplishes the intent of the code. The applicant owns the RR zoned farm/ranch land located north of the site. There is a significant wooded area providing screening from the residential properties located farther the north and west; therefore, as long as the existing trees provide screening, additional screening is not required.

The acreage (21 acres) located north of the application area are owned by the applicant, are zoned RR and are used for farm or ranch land purposes. The property located immediately east of the subject site is 1.38 acres, zoned RR and, according to the county’s tax records, is used for “general contractor” purposes. The planning department’s official list of nonconforming uses for 1985 indicates the property was used for propane sales. The 237 acres located south of the site, across West 61st Street North, are zoned RR,

and are used for farming or ranching. The 4.2 platted (Bluestem Acres 2nd Addition, recorded in 2002) acres located west of the application area are zoned RR and are developed with a single-family residence. The existing welding or machine shop is located approximately 31 feet from the east property line of the lot containing the single-family residence. (Measured structure to structure the home and the welding or machine shop are approximately 65 feet apart.) Farther west/northwest are additional platted large-lot single-family homes located on platted lots. The closest of the homes located farther north is located approximately 697 feet from the existing welding or machine shop, and is screened by an extensive woodland located in a drainage way.

The RR district was established to accommodate very large-lot, single-family residential uses in an area where the full range of municipal facilities and services are not available and not likely to be available in the near future. Selected uses permitted by right include: single-family residences, residential designed manufactured homes, day care (limited), parks and recreation, hobby kennel and agriculture. The LI district was established to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. Selected uses permitted by right include: The LI district does not permit residential uses of any kind. The subject property is located approximately one mile west of the City of Andale. The Andale Planning Commission will review the application on April 8, 2015.

ZONING DISTRICT	RR	LI
Minimum Lot Area	Two acres or whatever lot area is required to serve an onsite sewer solution	None, except whatever is needed for the onsite sanitary sewer solution
Minimum Lot Width	200 feet	None, except whatever is needed for the onsite sanitary sewer solution
Front Building Setback	30 feet or 85 feet from the centerline of the section line road, whichever is greater	20 feet or 85 feet from the centerline of the section line road, whichever is greater
Rear Building Setback	25 feet	No minimum
Interior Side Building Setback	20 feet	For nonresidential uses located within 500 feet of RR or SF-20 zoning: 25 feet (compatibility setback); Zero, but if a setback is provided the minimum is five feet (base zoning requirement)
Maximum Height	No structure shall exceed 35 feet; 45 feet if located at least 25 feet from all lot lines; no minimum for barns, silos, and other similar farm buildings	For nonresidential uses located within 500 feet of RR or SF-20 zoning: No structure shall exceed 35 feet in height within 50 feet of the lot line of a property zoned SF-20 or RR; building height may increase by one foot for every three feet of setback beyond 50 feet (compatibility height); 80 feet, plus two additional feet or each foot of setback beyond the minimum required (base zoning requirement)

Special performance standards	Lot area for a site served by a lagoon in 4.5 acres	Activities that are obnoxious, offensive or create a nuisance due to dust, odor, smoke, noise or vibration is prohibited
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CASE HISTORY: The RR district was applied to this property in 1985 with the adoption of countywide zoning.

ADJACENT ZONING AND LAND USE:

North: RR; farm or ranch land
 South: RR; farm or ranch land
 East: RR; general contractor
 West: RR; single-family residence

PUBLIC SERVICES: West 61st Street North is a paved two-lane section line road. Municipal water or sewer services are not available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The application area is located within an area of the county that is designated by the Wichita and Small Cities 2030 Urban Growth Areas map as “rural.” Rural areas encompass land located outside of the 2030 urban growth areas for any of the county’s cities. Rural areas are 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 provision for individual, or community water and sewer services.

RECOMMENDATION: As noted above, the LI district permits a wide range of public, commercial and industrial uses (such as: community assembly, nursing facility, convenience store, or freight terminal) that may not be appropriate on a rural location that is not served by public services, and that do not have land use impacts similar to typical farming or ranching uses commonly found in this part of Sedgwick County. 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 Protective Overlay #297:

1. Although the site is zoned LI Limited Industrial, uses permitted are: uses permitted by right in the RR Rural Residential zoning district, “welding or machine shop” including the repetitive manufacture of custom made metal parts, and all uses permitted as a “rural home occupation.” The site is not required to comply with home occupation development standards, such as separation from residential uses located off-site, minimum lot areas, outside storage restrictions, etc.
2. Unless modified as part of this zone change, the site shall comply with all applicable building, sanitation, fire, zoning and subdivision regulations or codes.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The RR district was established to accommodate very large-lot, single-family residential uses in an area where the full range of municipal facilities and services are not available and not likely to be available in the near future. Selected uses permitted by right include: single-family residences, residential designed manufactured homes, day care (limited), parks and recreation, hobby kennel and agriculture. The LI district was established to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The LI district does not permit residential uses of any

kind. The subject property is located approximately one mile west of the City of Andale.

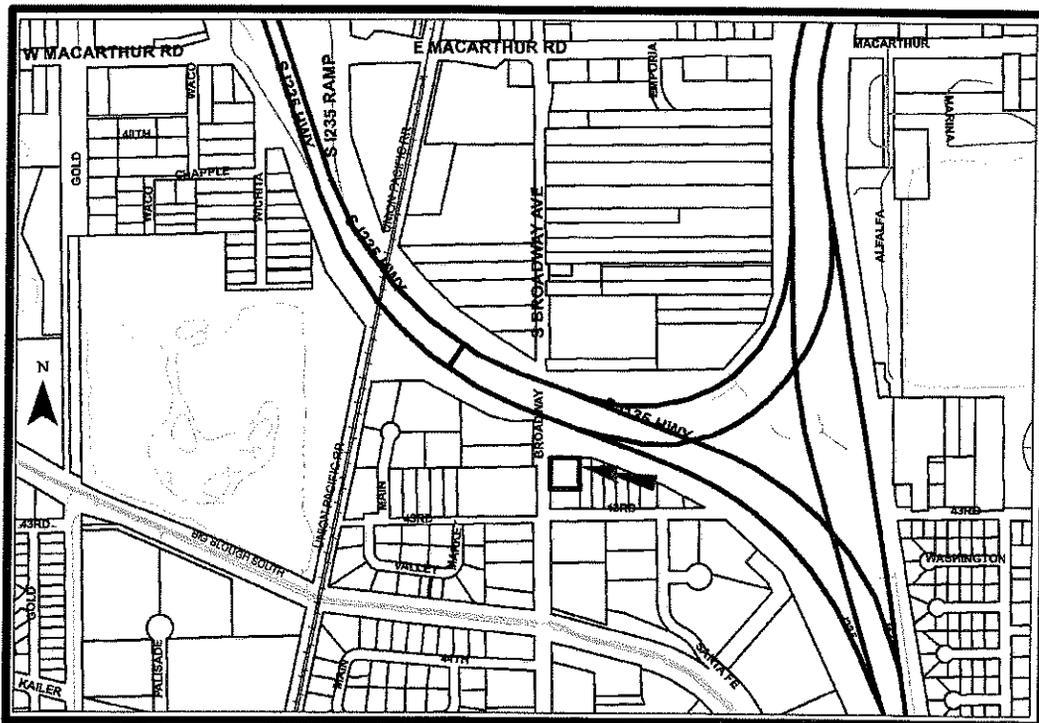
2. The suitability of the subject property for the uses to which it has been restricted: The 1.514 acre nonconforming tract is zoned RR but, is developed with approximately 8,230 square feet of metal building floor area devoted to a nonconforming machine shop use. The tract's total area is less than the RR zoning district's two acre minimum lot area. A machine shop is not a permitted use in the RR district. The site's current zoning is not suitable for the current nonconforming machine shop and does not allow for the proposed floor area expansion of the existing machine shop. The site is not suitably zoned for the existing use or the proposed expansion of the existing use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The machine shop has existed at this location since 1976. Approval of the request should not significantly change the characteristics of the existing operation, and should not substantially increase any existing detrimental impacts created by the use. The plat containing the single-family residence closest to the site was recorded in 2002, 26 years after the machine shop was established.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will bring into compliance a nonconforming use and permit the expansion of an existing business that provides rural jobs and contributes to the larger area's overall economy. Denial would presumably represent a loss in economic opportunity for the machine shop owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located within an area of the county that is designated by the Wichita and Small Cities 2030 Urban Growth Areas map as "rural." Rural areas encompass land located outside of the 2030 urban growth areas for any of the county's cities. Rural areas are 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 provision for individual, or community water and sewer services. The use has operated on the site since 1976 without any complaints (to staff's knowledge). The use is consistent with the adopted comprehensive plan in that it appears to be rural based use that is no more offensive than those agricultural uses commonly found in Sedgwick County.
6. Impact of the proposed development on community facilities: None identified.

STAFF REPORT

MAPC April 16, 2015

DAB III May 6, 2015

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- CASE NUMBER:** ZON2015-00014 and CON2015-00012
- APPLICANT/AGENT:** Murray W. Clark Family Trust (owner/applicant) Century Property Management, c/o Cristy Applegate (agent)
- REQUEST:** LI Limited Industrial zoning & a Conditional Use for a Wrecking/Salvage Yard
- CURRENT ZONING:** GC General Commercial
- SITE SIZE:** 0.70-acres
- LOCATION:** Generally located the east side of Broadway Avenue and between IH-235 and 43rd Street South
- PROPOSED USE:** Wrecking and salvage yard/vehicle towing and storage



BACKGROUND: The applicant is requesting a zone change from GC General Commercial to LI Limited Industrial and a Conditional Use to permit a wrecking and salvage yard – vehicle towing and storage, on the 0.70-acre lot; 165 feet (x) 173 feet. The Unified Zoning Code’s (UZC) definition of a “wrecking and salvage yard” includes the proposed use: “...a lot, land, or structure used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage materials, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards.” The UZC, Art III, Sec III-D.6.e, requires a Conditional Use for a wrecking and salvage yard in the LI zoning district.

The GC zoned subject site currently has a few vehicles on it and is surround by a chain link fence with a run of barbed wire on top. The site also has a stand-alone building on it. None of the site is paved and it has one drive onto Broadway Avenue. The site plan shows the proposed corrugated metal fence built on the property line, with no landscaping. The site plan shows a septic system on the site.

The area around the site, south of I-235, is a mix of LC Limited Commercial, GC and LI zoning and businesses lining both sides of Broadway Avenue. Development on these sites, include an abutting (south and east sides of the site) outdoor boat sales business, and adjacent outdoor car sales lots, a bar, a strip commercial building, and motels. Some SF-5 Single-Family Residential development is located behind the commercial development along Broadway Avenue, including three single-family residences (built 1976, 1991 and 1997) located 200 feet east of the site. Further east - southeast of the site, along IH-235, there are LI zoned undeveloped land, a freight terminal and an auto auction site. There are no wrecking and salvage yards located in the area south of IH-235 and beyond 47th Street South.

North of the site, across I-235, is a mix of GC, LC and SF-5 zoned car sales lots, manufactured home parks/sites and a bar. There is also a 15.37-acre GC and LC zoned wrecking and salvage yard which is located ¼-mile north of the subject site. The front approximately 220 feet of this wrecking and salvage yard is zoned GC, providing a zoning buffer between Broadway Avenue and the LI zoned portion of the tract, which is where the wrecking and salvage vehicles operation is located. Staff found no case history on this site. However ZON2003-00070/CON2003-00053 (12.96-acres) and ZON2009-00036/CON2009-00040 (9.51-acres) established wrecking and salvage yards located a half-mile to three quarters of a mile north of the site and north of MacArthur Road. These two sites have GC zoning buffers that are approximately 270 to 450 feet deep, separating the LI zoned Conditional Use wrecking and salvage operations from the arterial Broadway Avenue. Several years ago the Zoning Administrator ruled that wrecking and salvage operations located 150 feet from an arterial street, expressway, or freeway complied with the supplemental use regulation of a wrecking and salvage operation not abutting an arterial street, expressway, or freeway, thus the above noted GC zoning buffers.

CASE HISTORY: The site is platted as Lots 1 & 2, excluding the south 110 feet of the O. R. Higgs Addition, which was recorded with the Sedgwick County Register of Deeds July 15, 1952.

ADJACENT ZONING AND LAND USE:

NORTH: I-235, GC, LC, SF-5 Interstate Highway, bar, car sales, manufactured home park
SOUTH: GC, LI Outdoor boat sales, outdoor car sales, fire station, Big Slough
South drainage channel, freight terminal
EAST: GC, LC, SF-5, I-235 Outdoor boat sales, three single-family residences, interstate
highway, undeveloped land
WEST: GC, LI, LC, SF-5 Strip commercial building, outdoor car sales, bar single-family
residences

PUBLIC SERVICES: The subject property has direct access to Broadway Avenue, a 4-lane arterial. The 2030 Transportation Plan shows no changes to this street. There are no CIP projects for this street. All utilities are available to the subject site, however based on the applicant’s site plan it appears the site is served by a septic system.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies the general location as appropriate for “Regional Commercial” development. The Land Use Guide identifies vehicle wrecking and salvage yards as appropriate for land identified for “Processing Industry” uses, which promotes more intensive land uses than the Regional Commercial classification. The requested LI zoning district is not compatible with the Regional Commercial classification.

Per the UZC, Art III, Sec III-D.6.e the supplemental use regulations for Conditional Use for a wrecking/salvage yard in the LI zoning district are:

- (1) Is not abutting an arterial street, expressway, or freeway. *The site abuts Broadway Avenue, a two-way, four-lane arterial and IH-235, a freeway.*
- (2) In the opinion of the Planning Director, will not adversely affect the character of the neighborhood.
- (3) 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 applicant’s site plan shows a proposed 8-foot tall solid corrugated metal fence around the site.*

Deviation from the supplemental use regulations would require final action by the City Council.

The site is located within the “South Wichita – Haysville Area Plan” (SW-HAP). A goal of the SW-HAP is to improve the area's opportunities for additional commercial growth and development. One strategy is support the removal of the auto-related commercial uses. The proposed wrecking and salvage – vehicle towing and storage facility does not comply with the SW-HAP’s recommendation to remove auto-related commercial uses. There are no wrecking and salvage yards located on this portion of Broadway Avenue located south of I-235, which is where the subject site is located. The proposed wrecking and salvage – vehicle towing and storage facility would introduce a new more intense use into the area.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the requested LI zoning and the Conditional Use for a wrecking and salvage – vehicle towing and storage facility be DENIED based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a mix of LC, GC and LI zoning and businesses lining both sides of Broadway Avenue. Development on these sites, include an abutting (south and east sides of the site) outdoor boat sales business, and adjacent outdoor car sales lots, a bar, a strip commercial building, and motels. Some SF-5 Single-Family Residential development is located behind the commercial development along Broadway Avenue, including three single-family residences (built 1976, 1991 and 1997) located 200 feet east of the site. Further east - southeast of the site, along I-235, there are LI zoned undeveloped land, a freight terminal and an auto auction site. There are no wrecking and salvage yards located in the area south of I-235 and beyond 47th Street South. There are wrecking and salvage yards located a quarter-mile to three quarters of a mile north of the site and north of I-235.

2. The suitability of the subject property for the uses to which it has been restricted: The 0.70-acre property is zoned GC. The relatively small site currently has some scattered vehicles on it and an awning on the building advertises “Hook em up Towing.” The GC zoning would allow commercial uses that allowed outside display, such as a car sales lot, or all types of vehicle repair, motels or many other retail uses, but its relatively small size is going to limit development.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed wrecking and salvage – vehicle towing and storage facility would introduce a new use into this section of Broadway Avenue that is located south I-235, that is more intense than the area’s current uses. The proposed use is out of character with the area’s most recent commercial re-development along 47th Street South and Broadway Avenue as well as its older businesses (pre South Wichita – Haysville Area Plan) of car sales and motels. If approved other applications for wrecking and salvage on the area’s LI zoned undeveloped land is a possibility.

It has been noted that there are three wrecking and salvage operations located on Broadway Avenue, north of I-235 and north of the subject site by some quarter to three quarters of a mile. These sites have 220 – 470 feet of GC zoning separating the LI zoned wrecking and salvage operations from the arterial street Broadway Avenue. Several years ago the Zoning Administrator ruled that wrecking and salvage operations located 150 feet from an arterial street, expressway, or freeway complied with the supplemental use regulation of a wrecking and salvage operation not abutting an arterial street, expressway, or freeway, thus the above noted GC zoning buffers. The site’s relatively small size (0.70-acres, 165 feet (x) 173 feet) prevents it from providing such a GC buffer along its Broadway and I-235 frontage. Waiving this supplemental use regulation would be inconsistent with past recommendations on the three closest existing wrecking and salvage operations located on Broadway Avenue, north of IH-235. Two of the three sites are also located outside of the South Wichita – Haysville Area Plan. Although the third site is located within this Plan, it appears to be a legal non-conforming use.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies the general

location as appropriate for “Regional Commercial” development. The Land Use Guide identifies vehicle wrecking and salvage yards as appropriate for land identified for “Processing Industry” uses, which promotes more intensive land uses than the Regional Commercial classification. The requested LI zoning district is not compatible with the Regional Commercial classification.

Per the UZC, Art III, Sec III-D.6.e the supplemental use regulations for a Conditional Use for a wrecking and salvage yard in the LI zoning district are:

- (1) Is not abutting an arterial street, expressway, or freeway. *The site abuts Broadway Avenue, a two-way, four-lane arterial and I-235, a freeway.*
- (2) In the opinion of the Planning Director, will not adversely affect the character of the neighborhood.
- (3) 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 applicant’s site plan shows a proposed 8-foot tall solid corrugated metal fence around the site.*

Deviation from the supplemental use regulations would require final action by the City Council.

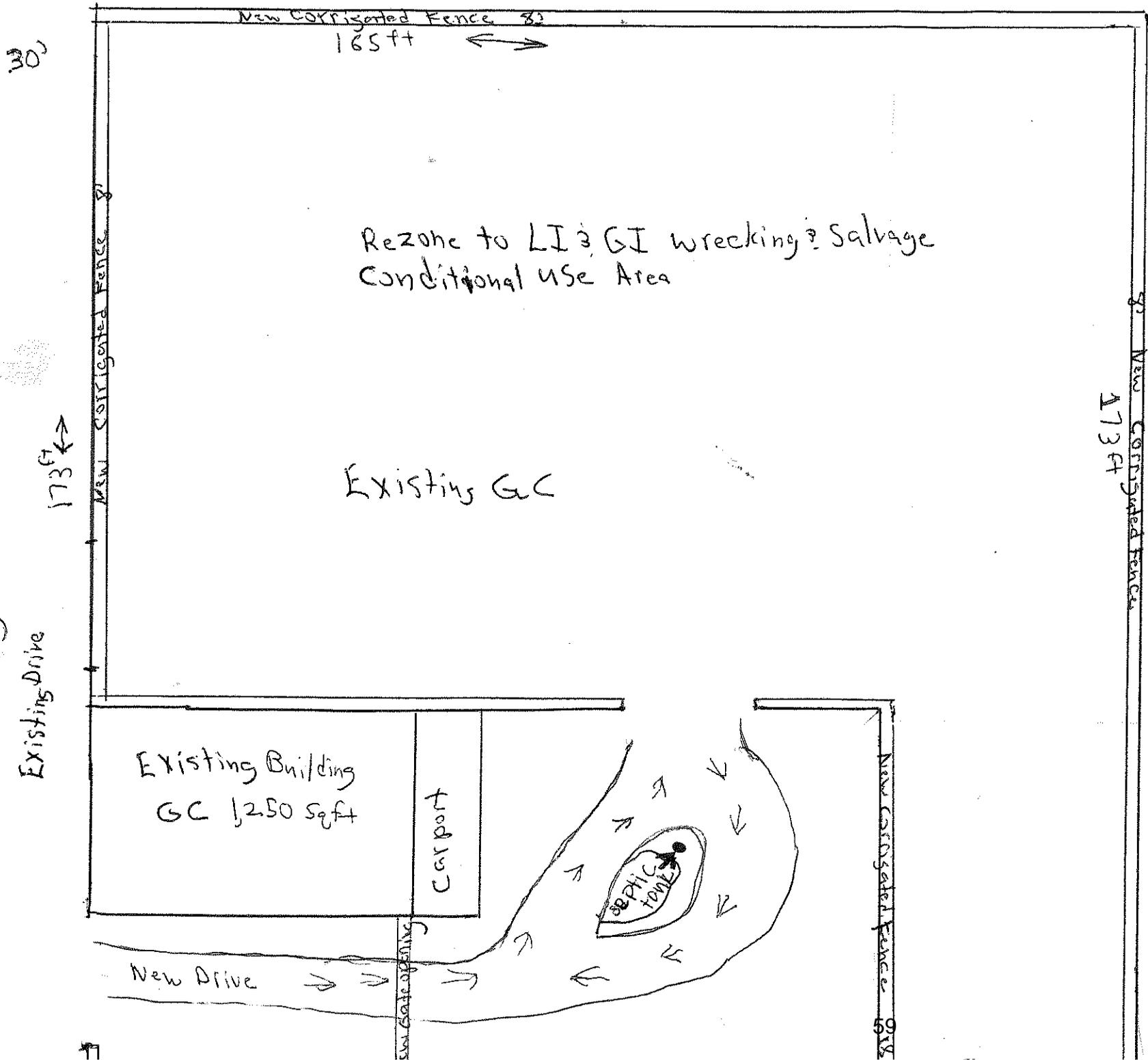
The site is located within the “South Wichita – Haysville Area Plan” (SW-HAP). A goal of the South Wichita – Haysville Area Plan is to improve the area’s opportunities for additional commercial growth and development. One strategy is support the removal of the auto-related commercial uses. The proposed wrecking and salvage – vehicle towing and storage facility does not fit into the SW-HAP. There are no wrecking and salvage yards located on this portion of Broadway Avenue located south of IH-235, which is where the subject site is located. The proposed wrecking and salvage – vehicle towing and storage facility would introduce a new more intense use into the area.

5. Impact of the proposed development on community facilities: All utilities are available to the site. The proposed use of this property should have limited impact on community facilities, with the possible exception of soil and groundwater contaminants.

However if the MAPC determines that this request is an appropriate use, the MAPC must make separate findings for their reason for approval of the request. Planning staff recommends the following conditions, if approved:

1. Waive the supplemental use regulation that requires a wrecking and slave operation does not abutting an arterial street, expressway, or freeway
2. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.
3. The site shall be developed in accordance to an approved site plan. All improvements to the site must be complete within 6-months of approval by the governing body or the Conditional Use and Zoning will be declared null and void
4. The subject property shall be entirely enclosed by a metal panel fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. The metal panel fence shall be a single color and shall be white, gray, tan or similar

- non-bright color. Access gates are permitted in the screening fence, but all gates shall be constructed of solid metal panels matching the fence and shall remain closed unless in use. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the screening fence. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.
5. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.
 6. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by Environmental Services to prevent rodent harborage and breeding. All stored, wrecked and salvaged vehicles and materials shall be on a surface approved by the Office of Central Inspection.
 7. The applicant shall maintain at all times an active program for the eradication and control of rodents.
 8. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
 9. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.
 10. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
 11. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by Environmental Services.
 12. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be place on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.
 13. The applicant shall implement a drainage plan approved the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.
 14. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
 15. 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.



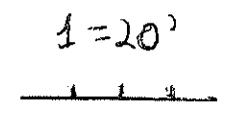
Zone change from GC to LI & GI
Conditional Use to Allow wrecker/salvage
Lot 1 & Lot 2 Exc 5. 110ft O.R Higgs
Add

- GC General Commercial
- LI Limited Industrial
- GI General Industrial

To change property for better use

Zone 2015-14
E
CON 2015-12

Hookem up boyz Towing inc.
Lot size 30,492 sqft



4236 S Broadway

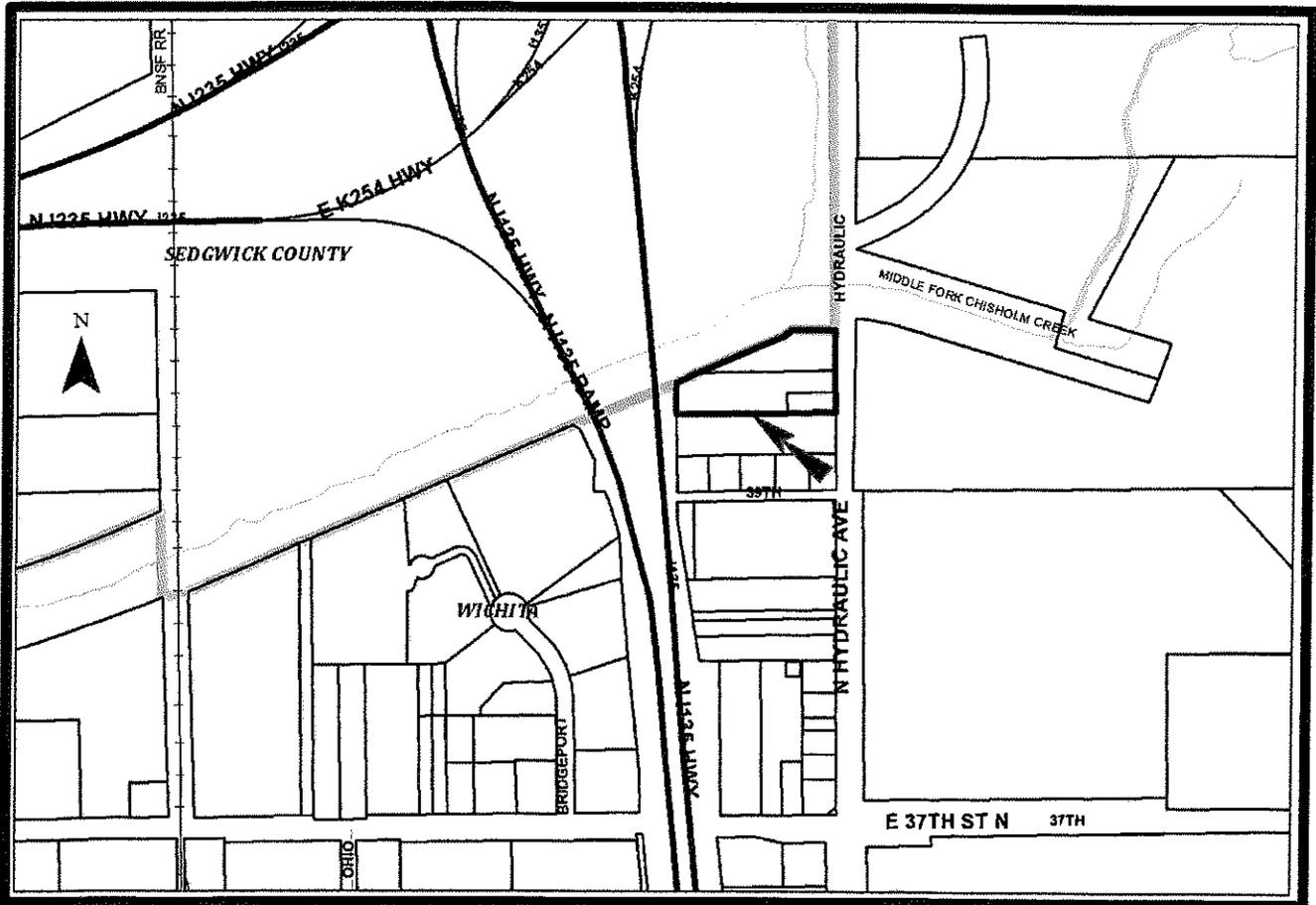
ZON 2015-00014



STAFF REPORT

MAPC April 16, 2015
DAB VI April 15, 2015

- CASE NUMBER:** ZON2015-00015
- APPLICANT/AGENT:** Scott McPhail, Dorothy Jacobs-McPhail and Carl Jacobs
- REQUEST:** SF-5 Single-Family Residential zoning
- CURRENT ZONING:** GI General Industrial zoning
- SITE SIZE:** Approximately 3.67 acres
- LOCATION:** Generally located north of East 39th Street on the west side of North Hydraulic Avenue south of Chisholm Creek Floodway



BACKGROUND: The applicant is requesting SF-5-Family Residential (SF-5) zoning on the platted approximately 3.67-acres GI General Industrial zoned site. The site consists of Lot 32 ECX FLDWY CCA-41035, North Wichita Gardens Addition, located on the west side of North Hydraulic Avenue between East 39th Street North and the Chisholm Creek Floodway. Lot 32 is developed into 3 parcels, with a single-family residence on each parcel. The applicant is requesting the zone change to allow for refinancing and expansions of the residential structures.

The site was annexed into the city limit between 1981 and 1990. Prior to annexation, Sedgwick County had zoned the property F – Heavy Industrial. In March 1996, the F – Heavy Industrial zoning district was converted to GI. The lot abutting the subject site on the south has a used car lot with improvements that were built in 2010. The original structure on the site is a 1920s bungalow. All other development north of East 39th Street North are single family residences built between 1920 and 1950. The property west of the site is used for agriculture and has no improvements. The north and west abutting properties are rights-of-way for I-135, K-254 and the Chisholm Creek Floodway.

CASE HISTORY: The site consists of Lot 32, North Wichita Gardens Addition, which was recorded with the Sedgwick County Register of Deeds on July 20, 1922. The quarter section map was revised on June 1, 2001. Staff has received no calls expressing concerns about the proposed duplexes.

ADJACENT ZONING AND LAND USE:

NORTH: R-O-W	Rights-of-Way: K-254, I-135 and CCA Floodway
SOUTH: GI	Used car lot
WEST: R-O-W	Rights-of-Way: K-254 and I-135
EAST: GI	Undeveloped, agricultural

PUBLIC SERVICES: The site has access to North Hydraulic Avenue, a paved two-lane arterial road. Hydraulic Avenue has 80 feet of right-of-way at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as part of the Wichita 2030 Urban Growth Area. According to plat maps and the 1958 Sedgwick County zoning districts adopted in 1958, Lot 32 was already developed with tow, 1920-era bungalows and a circa 1958 ranch house before the F – Heavy Industrial zoning was applied. When the site was annexed into the city limit, the zoning remained heavy industrial, creating non-conforming uses for the residences that were already built.

RECOMMENDATION: This request provides the ability of the current property owners to continue to develop and use the properties for residential purposes as it was used prior to the 1958 Sedgwick County zoning classification. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** Although the site is located in a GI zoned district bordered by I-135 and K-254 rights-of-way (western boundary), the Chisholm Creek Floodway (northern boundary) and GI zoned agricultural land to the east, the development in the area between East 39th Street North and the floodway is single-family residences built 1920 and 1950s. The one exception is the development of a used car lot that was updated in 2010 and continues to have the original 1920 bungalow on the property.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The zoning district established at the time the property was annexed into the city limit was a carry-over from the 1958 Sedgwick County zoning district that did not acknowledge the residential use of the area.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The request would not introduce a less intensive use in the immediate area, as there are other single-family residential

sites located within two blocks of the site.

- (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 approval of the zone change to SF-5 would allow the property owners to continue to use the land as it has been for the past 95 years. The current GI zoning does not allow for improvements to be made to the residential structures through traditional financing mechanisms and should the existing building be damaged, GI zoning would not allow residential use to be redeveloped. Approval of the request would limit development by right to single-family residential and some (but not limited to) institutional uses such as a parks, schools and churches.

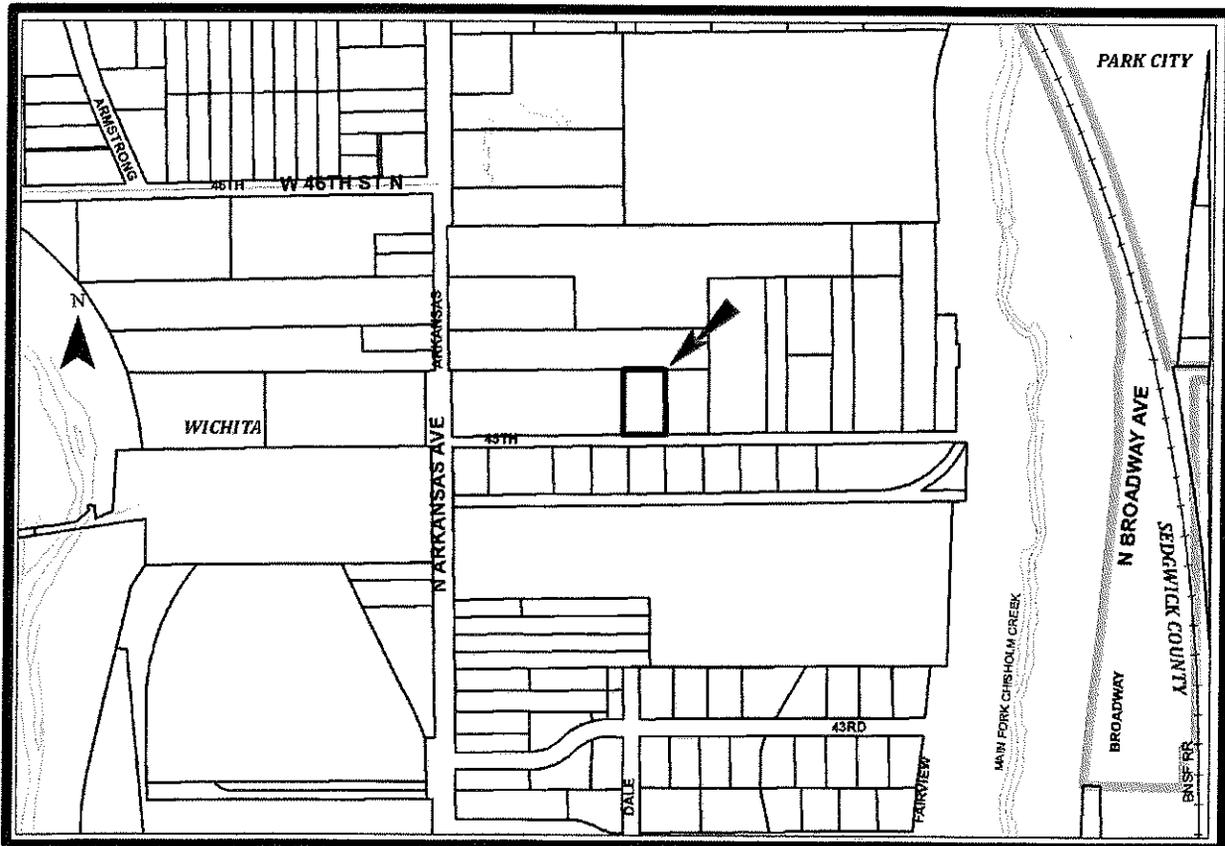
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** According to plat maps and the 1958 Sedgwick County zoning districts adopted in 1958, Lot 32 was already developed with tow, 1920-era bungalows and a circa 1958 ranch house before the F – Heavy Industrial zoning was applied. When the site was annexed into the city limit, the zoning remained heavy industrial, creating non-conforming uses for the residences that had been built between 1920 and 1958.

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

STAFF REPORT

MAPC April 16, 2015
 DAB VI April 15, 2015

- CASE NUMBER:** CON2015-00013
- APPLICANT/OWNER:** James Cummings (owner/applicant), Susan McQuitty (agent)
- REQUEST:** Conditional Use request for a temporary manufactured home/accessory apartment
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** Approximately 0.78-acre
- LOCATION:** Generally located on the north side of West 45th Street North, east of North Arkansas Avenue (402 W. 45th N.)
- PROPOSED USE:** Temporary accessory apartment for owner with medical needs



BACKGROUND: The applicant is requesting a Conditional Use for a temporary manufactured home/accessory apartment (temporary accessory apartment), specifically a single-wide manufactured home, to assist with the care of elderly family member with medical needs. The applicant will be occupying the temporary accessory apartment which is equipped with oxygen connections and is ADA accessible. A family member is the care provider and will live in the main structure. The applicant/owner's sister owns and occupies the abutting properties to the west and north of the subject site.

Per the Unified Zoning Code (UZC, Sec.III-D.6.a), the placement of an accessory manufactured home on a residentially zoned lot may be permitted on a temporary basis, as a Conditional Use in accordance with the UZC, Sec.V-D (required review procedures for a Conditional Use), subject to the following conditions and requirements.

- (1) The location of the manufactured home shall conform to all Setback requirements of the zoning district in which located.
- (2) 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 the County Health Department.
- (3) The unit shall comply with all of the standards of the UZC, Sec.III-D.6.a.
- (4) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use.
- (5) The property owner shall provide an annual report on the status of the medical hardship to the Metropolitan Area Building and Construction Department, Division of Permitting and Zoning. 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.

The subject site was annexed into the City and is located in an SF-5 zoned single-family residential neighborhood with lots ranging from +/- a half-acre to 3-acres. It is not unusual to see single wide mobile homes in the area. The immediate single-family residential neighborhood is developed with a mix of predominately residential designed manufactured homes and stick frame houses (built late 1920s-1960s). The abutting properties to the west and north are developed with single-wide mobile homes and stick frame houses. Properties to the east and south are single-family frame residential structures. A non-conforming kennel and cattery to the west of the site at 310 West 45th Street North has been in operation since 1997.

CASE HISTORY: The subject site, currently developed with a house and garage, is unplatted. The property was annexed into the City limit in 1998. The legal description is as follows: BEG 642.85 FT E NW COR GOV LOT 1 E 150 FT S 254.1 FT W 150 FT N TO BEG EXC S 40 FT FOR RD. NE1/4 SEC 29-26-1E.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residences
SOUTH: SF-5	Single-family residences
WEST: SF-5	Single-family residences
EAST: SF-5	Single-family residences

PUBLIC SERVICES: West 45th Street North is an unpaved dirt and gravel road with a 40-foot right-of-way. The nearest access to a paved road is North Arkansas Avenue which is a two-lane arterial section line road with 90 feet of right-of-way. The subject site is approximately 600 feet east of North Arkansas Avenue. The subject property is served by a septic system and a well for water; it is outside of all Rural Water Districts. The City water main is 650-feet east and the sewer main is 450-feet south of the property site. All other utilities are available.

CONFORMANCE TO PLANS/POLICIES: The “2030 Functional Land Use Guide of the Comprehensive Plan” (Plan) identifies the SF-5 zoned site as lying within the Wichita 2030 Urban Growth Area and is designated for “Urban Residential.” The “Urban Residential” category reflects the full diversity of residential development densities and housing types. The range of housing types include single-family residences, duplexes, patio homes, apartments and multi-family units, mobile home parks and special residential accommodation for the elderly.

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

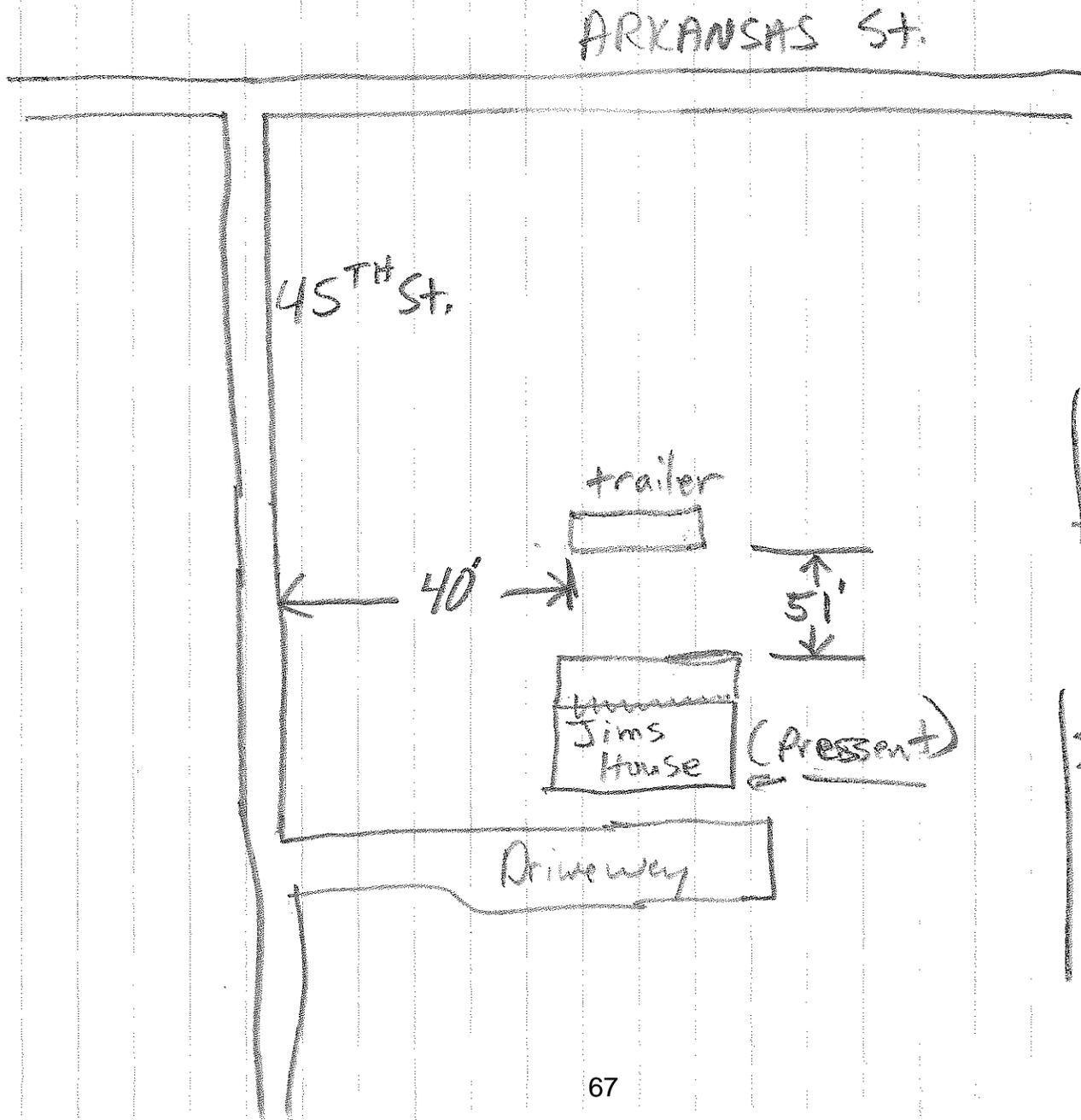
- (1) The temporary accessory apartment (a single-wide manufactured home) shall remain accessory to and under the same ownership as the principal single-family residence located at 402 West 45th Street North.
- (2) The temporary accessory apartment shall remain on the site as a temporary accessory dwelling for the owner (James Cummings) as long he resides in the accessory structure at 402 West 45th Street North. The applicant shall report to the Metropolitan Area Building and Construction Department (MABCD) on a yearly basis, every January, the status of the occupancy of this temporary single-wide manufactured home. The temporary single-wide 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.
- (3) The water and sewer service provided to the temporary accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing sewer septic system prior to the hook up of the proposed temporary accessory apartment.
- (4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning in compliance with an approved site plan.
- (5) Development and maintenance of the site shall be in conformance with the approved site plan.
- (6) If the temporary accessory apartment is not in place within six (6) months of approval, or 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.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The City subject site is located in an SF-5 zoned single-family residential neighborhood with lots ranging from +/- a half-acre to three acres. The immediate single-family residential neighborhood is developed with a mix of residential designed manufactured homes and stick frame houses (built late 1920s-1960s). The abutting property to the east is developed with a frame structure and residential designed manufactured homes.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5 which currently permits only one single-family residence on any given lot and a few institutional and city uses by right. The site would continue to have economic value with the Conditional Use. SF-5 zoning permits an accessory structure with the approval of a Conditional Use by the Metropolitan Area Planning Commission.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** There are other single-wide manufactured home accessory structures in this neighborhood. The proposed temporary manufactured home/accessory apartment is a single-wide manufactured home, 14-feet by 48-

feet. The proposed temporary manufactured home/accessory apartment will be on the same lot as the principle residence as required by the UZC. The UZC requires that water and sewer for the proposed temporary manufactured home/accessory apartment on the same line as the principle residence, which makes it harder to sell the temporary manufactured home/accessory apartment as a separate unit.

- (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 could impose a hardship in regard to providing medical care for the owner of the property, who is suffering from declining health.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “Urban Residential” category reflects the full diversity of residential development densities and housing types. The range of housing types include single-family residences, duplexes, patio homes, apartments and multi-family units, mobile home parks and special residential accommodation for the elderly.
- (6) **Impact of the proposed development on community facilities:** The public streets in the neighborhood, police and fire services, will not be noticeably impacted by an accessory structure being placed on the site. There is no public water or sewer service available to the neighborhood.



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Footage is Approximate