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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, May 21, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, May 21, 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: April 16, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2015-00015: One-Step Final Plat – SCHOLFIELD HONDA COMMERCIAL 2ND ADDITION**, located east of Woodlawn, on the south side of Kellogg.

Committee Action: APPROVED 3-0
Surveyor: Baughman Company, P.A.
Acreage: 10.61
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

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2015-00017
Request: City zone change from SF-5 Single-family Residential to LC Limited Commercial.
General Location: 1659 South Webb Road.
Presenting Planner: Kathy Morgan
5. Case No.: ZON2015-00018
Request: City zone change request from LI Limited Industrial to CBD Central Business District.
General Location: South of Waterman Street and east of Commerce Street.
Presenting Planner: Bill Longnecker
6. Case No.: CON2015-00005
Request: City Conditional Use request for a wireless communication facility with a 100-foot monopole on LC Limited Commercial zoned property.
General Location: West of Seneca Street on the North Side of 47th Street South.
Presenting Planner: Bill Longnecker

7. Case No.: CON2015-00015 (DEFERRED TO 7-9-15 MEETING)
 Request: City Conditional Use request for a nightclub on LI Limited Industrial zoned property.
 General Location: North side of Central Avenue between Indiana and Cleveland Avenues (1320 E. Central Ave.)
 Presenting Planner: Bill Longnecker
8. Case No.: CON2015-00017
 Request: City Conditional Use request for an outdoor venue for entertainment, food and alcoholic drinks on CBD Central Business District zoned property.
 General Location: West of Washington Avenue, on the south side of Douglas avenue (701 E. Douglas Ave.).
 Presenting Planner: Bill Longnecker
9. Case No.: CON2015-00018
 Request: County Conditional Use to permit an accessory apartment.
 General Location: South of W. 47th St. S. and west of S. 231st St. W. (4 Shadybanks St.).
 Presenting Planner: Dale Miller
10. Case No.: DER2015-00004
 Request: Amendment to Article II, Section II B.2.f of the Wichita Sedgwick County Unified Zoning Code: Board of Zoning Appeals means the board or boards appointed by the governing body of the City or the County.
 General Location: City and County-wide
 Presenting Planner: Dale Miller

NON-PUBLIC HEARING ITEMS

11. Case No.: Letter of Support
 Request: Letter of Support for TIGER Grant Application
 Presenting Planner: Scott Knebel

12. Other Matters/Adjournment

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

April 16, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, April 16, 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: David Dennis, Chair Pro Tem; Carol Neugent, Vice Chair; John Dailey; David Foster; Bill Johnson; Joe Johnson; Don Klausmeyer; John McKay Jr.; Bill Ramsey; Lowell E. Richardson and Debra Miller Stevens. Matt Goolsby, Don Sherman and Chuck Warren 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; Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

MOTION: To appoint David Dennis Chair Pro Tem.

NEUGENT moved, **MCKAY** seconded the motion, and it carried (11-0).

Commissioner David Dennis in the Chair.

1. Approval of the March 5, 2015, Planning Commission meeting minutes.

MOTION: To approve the March 5, 2015 MAPC minutes.

MCKAY moved, **J. JOHNSON** seconded the motion, and it carried (10-0-1).

NEUGENT – Abstained.

CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

- 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.

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.
- 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).

FOSTER asked if staff needed to get a "no protest" on annexation from the City of Andale so they will not oppose annexation in the future when sewer is hooked up.

STRAHL said he did not have an answer to that but added that the Andale Planning Commission met last week and they are okay with the project proceeding.

FOSTER suggested the Commission vote to defer the application until they have that information.

STRAHL suggested the applicant might have more information.

WILL CLEVINGER, RUGGLES AND BOHM, AGENT FOR THE APPLICANT said they do not have an answer on the no protest on annexation and that he would have to confer with the client.

DENNIS asked if the annexation was discussed at the Subdivision Meeting.

FOSTER indicated annexation was discussed but there was no answer.

MILLER STEVENS asked the agent how they felt about deferring the application.

CLEVINGER said the client would like to move forward with the application. He said the City of Andale had no intention of immediately annexing the property; however, he added that it was located in Andale's long term growth area.

DENNIS asked if the agent could get an answer before the end of the meeting the Commission could move the item to the end of the agenda.

CLEVINGER said he would check with the client.

MOTION: To move the item to the end of the meeting.

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

CLEVENGER said the applicant indicated he met with the Andale Planning Commission twice and they did not indicate any desire to annex the area into the City. He said the applicant would prefer that the area not be annexed in the foreseeable future.

FOSTER said that still does not answer the question of does the City have a policy that if the applicant hooks up to their sewer they would sign a waiver of annexation.

ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR volunteered to do some follow-up research for Commissioner Foster; however, he added that might be a part of Andale's Subdivision Regulations. He said it seems like the question boils down to a contractual issue between the customer obtaining sewer service and if the City wants to include a no protest or consent to annexation as a condition of providing service. He said the Commission is approving this plat subject to the City of Wichita's Subdivision Regulations.

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

MCKAY moved, **KLAUSMEYER** seconded the motion, and it carried (10-0-1).
FOSTER – No.

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

CHAIR PRO TEM DENNIS announced that the application had been deferred to the May 7, 2015 Planning Commission Hearing.

2. PUBLIC HEARING – VACATION ITEMS

- 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.

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.

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:

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.

- (1) 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.
- (2) 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.

- (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:

- 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.
- (1) 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.
 - (2) 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.
 - (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.

MCKAY moved, B. JOHNSON seconded the motion, and it carried (11-0).

- 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.

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.

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.

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

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

- 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.

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

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.

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

MCKAY moved, B. JOHNSON seconded the motion, and it carried (11-0).

PUBLIC HEARINGS

RAMSEY reported that he had ex-parte communication on the item.

3. **Case No.: ZON2015-00013 and CUP2015-00005 (Deferred from 4-2-15)** – Cadillac Lake, LLC (applicant/owner) and PEC c/o Charles Brown (agent) request a City zone change from SF-20 Single-family Residential to LC Limited Commercial and City request for a commercial CUP Community Unit Plan on property described as:

COMMENCING at the Northwest corner of the Northwest Quarter of Section 5, Township 27 South, Range 1 West of the 6th P.M.; Thence Bearing S89°43'05"E, along the North line of said Northwest Quarter, a distance of 152.50 feet; Thence Bearing S00°16'55"W, a distance of 75.00 feet to the **POINT OF BEGINNING**; Thence Bearing S46°30'50"W, a distance of 36.11 feet; Thence Bearing S02°44'45"W, a distance of 1,213.26 feet to a point on the South line of the North half of said Northwest Quarter, also being a point on the North line of Pearson Commercial Addition to Wichita, Sedgwick County, Kansas; Thence Bearing S89°51'03"E, along the South line of said North half, a distance of 353.24 feet; Thence Bearing N00°16'55"E, a distance of 76.00 feet; Thence Bearing N67°24'00"E, a distance of 87.74 feet; Thence Bearing S89°43'05"E, a distance of 170.00 feet; Thence Bearing N13°05'15"E, a distance of 181.00 feet; Thence Bearing N41°50'33"E, a distance of 285.00 feet; Thence Bearing S89°43'05"E, a distance of 66.00 feet; Thence Bearing N71°43'05"E, a distance of 120.00 feet; Thence Bearing N28°42'50"E, a distance of 238.00 feet; Thence Bearing N41°30'08"E, a distance of 200.00 feet; Thence Bearing N81°34'23"E, a distance of 523.89 feet; Thence Bearing N23°58'40"E, a distance of 197.00 feet; Thence Bearing N44°06'36"E, a distance of 130.00 feet; Thence Bearing N89°43'05"W, parallel with and 60.00 feet South of the North line of said Northwest Quarter a distance of 1,541.92 feet; Thence Bearing S81°45'05"W, a distance of 101.12 feet; Thence Bearing N89°43'05"W, parallel with and 75.00 feet South of the North line of said Northwest Quarter, a distance of 225.00 feet to the **POINT OF BEGINNING**. (said tract of land containing 30.656 acres, more or less)

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 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 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.I.

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:

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.
4. 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.

- 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.
5. Setbacks will be a minimum of 25 feet around the perimeter of the CUP. All other setbacks will be the LC Limited Commercial zoning district.
6. 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.
1. 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.

- ii. **FLASHING SIGNS (EXCEPT FOR SIGNS SHOWING ONLY TIME, TEMPERATURE AND OTHER PUBLIC SERVICE MESSAGES), MESSAGE BOARDS, ROTATING OR MOVING SIGNS, SIGNS WITH MOVING LIGHTS OR SIGNS WHICH CREATE ILLUSIONS OF MOVEMENT ARE NOT PERMITTED.**
 - iii. **PORTABLE SIGNS, OFF-SITE SIGNS AND BILLBOARDS ARE NOT PERMITTED.**
7. PARKING SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE.
 8. ARCHITECTURAL CONTROL: All buildings in the CUP shall share *compatible* 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 *materials* 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. Metal as an exterior material shall be limited to incidental accent
 9. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the CUP.
 10. NO OCCUPANCY PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICES BY THE MUNICIPAL WATER AND SEWER SERVICES.
 11. 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. A LOT GRADING PLAN, IN CONFORMANCE WITH THE DRAINAGE CONCEPT PLAN, WILL BE PREPARED FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 12. 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.
 13. 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.
 14. 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 an open space as shown on the attached Cadillac Lake concept plan.

15. THE DEVELOPMENT OF THIS C.U.P. SHALL INCLUDE A PEDESTRIAN WALK SYSTEM LINKING THE BUILDINGS ON EACH PARCEL TO ALL OTHER BUILDINGS IN THE C.U.P., AS WELL AS TO SIDEWALKS ON BOTH 29TH STREET AND MAIZE ROAD. AS A CONDITION FOR ISSUANCE OF BUILDING PERMITS ON ANY PARCEL, A PLAN SHOWING THE WALK SYSTEM FOR THAT PARCEL MUST BE APPROVED BY THE PLANNING DIRECTOR. THE PLAN SHALL LINK ALL BUILDINGS ON THAT PARCEL, CONNECT TO ADJACENT STREET SIDEWALKS AND PROVIDE CONNECTIONS TO THE BOUNDARIES OF ADJACENT PARCELS IN THE C.U.P. WHETHER OR NOT THERE ARE BUILDINGS ON THOSE PARCELS. THE PLAN FOR EACH PARCEL SHALL BE COMPATIBLE WITH AND CONNECT TO THE WALKS IN ANY PREVIOUSLY DEVELOPED PARCELS IN THE C.U.P.
16. 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.
17. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, A SITE CIRCULATION PLAN THAT PROVIDES FOR SMOOTH FLOW OF TRAFFIC BETWEEN THE PARCEL BEING DEVELOPED AND ALL ADJACENT PARCELS WITHIN THE C.U.P. FRONTING ARTERIAL STREETS, SHALL BE SUBMITTED FOR REVIEW AND APPROVAL.
18. GUARANTEES FOR STREET IMPROVEMENTS ON MAIZE ROAD AND 29TH STREET NORTH, including access controls, deceleration lanes, left turn lanes, and additional right-of-way SHALL BE DETERMINED BY THE TRAFFIC ENGINEER AT THE TIME OF PLATTING and shown on the final plat.
19. ALL NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.
20. FIRE LANES SHALL BE IN ACCORDANCE WITH THE FIRE CODE OF THE CITY OF WICHITA. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANES, ALTHOUGH THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING. THE FIRE CHIEF OR HIS DESIGNATED REPRESENTATIVE SHALL REVIEW AND APPROVE THE LOCATION AND DESIGN OF ALL FIRE LANES. FIRE HYDRANT INSTALLATION AND PAVED ACCESS TO ALL BUILDING SITES SHALL BE PROVIDED FOR EACH PHASE OF CONSTRUCTION PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
21. THE DEVELOPMENT OF THIS PROPERTY SHALL PROCEED IN ACCORDANCE WITH THE DEVELOPMENT PLAN AS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION AND APPROVED BY THE GOVERNING BODY, AND ANY SUBSTANTIAL DEVIATION OF THE PLAN, AS DETERMINED BY THE ZONING ADMINISTRATOR AND THE DIRECTOR OF PLANNING, SHALL CONSTITUTE A VIOLATION OF THE BUILDING PERMIT AUTHORIZING CONSTRUCTION OF THE PROPOSED DEVELOPMENT.

22. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE DEVELOPMENT DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF: SAID PLAN SHALL RUN WITH THE LAND FOR DEVELOPMENT AND BE BINDING UPON THE PRESENT LAND OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED. HOWEVER, THE PLANNING DIRECTOR, WITH THE CONCURRENCE OF THE MABCD SUPERINTENDENT, MAY APPROVE MINOR ADJUSTMENTS TO THE CONDITIONS IN THIS C.U.P., CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, WITHOUT FILING A FORMAL C.U.P. AMENDMENT. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration in accordance with the Wichita-Sedgwick County Unified Zoning Code.

23. A notice of a CUP noting the conditions placed on this land shall be filed with the Sedgwick County Register of Deeds.

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 on 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 and complementary land uses. The site's location along 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.

BILL LONGNECKER, Planning Staff presented the Staff Report. He referred to a handout and e-mail sent to each Commissioner with the final provisions for the case. He also indicated that the City Traffic Engineer did not think that a Traffic Study was necessary for this particular development.

RICHARDSON asked about the legal description.

LONGNECKER indicated that there was a "meets and bounds" description for the portion of the property being rezoned which was provided by the title company. He said that will be changed once the platting process is completed.

RICHARDSON asked about permitted uses and why multi-family use was not listed although it is permitted by-right in LC.

LONGNECKER said a CUP is all about specific uses and can allow what is allowed by-right or it can be more or less restrictive. He said the applicant did not include multi-family residential as a use.

FOSTER asked about process and said sometimes when a CUP document makes its way to the Subdivision Committee there are discrepancies in what is on the CUP document and what the Committee is trying to deal with on the plat. He specifically mentioned access controls on one recent CUP document.

LONGNECKER commented that the plat is a separate document and a separate review.

MILLER mentioned that many CUP/PUD's are approved subject to platting. He said if changes are triggered as a result of the plat the applicant is not required to provide an amended CUP/PUD prior to the Subdivision hearing. He said the Subdivision Committee will not see any CUP/PUD's in the future.

CHARLIE BROWN, PROFESSIONAL ENGINEERING CONSULTANTS, AGENT FOR APPLICANT CADILLAC LAKE, LLC said they are in agreement with the general provisions including the recent edits provided as a handout at today's meeting. He offered to answer any questions.

MCKAY asked why multi-family was not included as a use.

BROWN said the intent is for a commercial development. He commented that 33 of the 72 acres will be developed. He said the rest will be used as a reserve for open space and a potential City park with wetlands. He said they are working with the Corps of Engineers for the wetlands permits. He said the applicant would like enough commercial development to generate the revenue to pay for park improvements. He said he believes it is a marketing decision not to include multi-family zoning.

FOSTER commented that he wanted to applaud the applicant's efforts (and staff) to get part of the area into a park because he feels that will be very important for the neighborhood.

BROWN responded that the park it is a "win-win" situation for everyone.

MOTION: To approve subject to staff recommendation as amended by the handout.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (11-0).

4. **Case No.: PUD2015-00002** – Deb and Greg Boen (owners/applicants) and Ruggles and Bohm (agent) c/o Chris Bohm request a County zoning change from RR Rural Residential to PUD Planned Unit Development for an event center on property described as:

The North half of the North half of the Southwest Quarter EXCEPT roads, all in Section 13, Township 25, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

CHAIR PRO TEM DENNIS announced that the application had been withdrawn.

5. **Case No.: ZON2015-00011** – Gary L. Sigg / Garber Surveying Service, P.A. (Dan Garber) request County zone change from RR Rural Residential to LI Limited Industrial to increase lot size and bring property use into zoning compliance on property described as:

Commencing at the Southwest corner of the Southeast Quarter of Section 9, Township 26 South, Range 3 West of the 6th P.M., thence on a Kansas State Plane Bearing North 00°57'26" West along the West line of said Southeast Quarter 40.00 feet (per Record) to the North Right-of-way line of 61st Street North for the point of beginning; thence continuing North 00°57'26" West along the West line of said Southeast Quarter 327.72 feet (per Record) to the Northwest Corner of a tract previously recorded in Book 1787, Page 1635, Sedgwick County Court House; thence continuing North 00°57'26" West along the West line of said Southeast Quarter 200.00 feet; thence North 89°13'40" East parallel with the South line of said Southeast Quarter 125.00 feet; thence South 00°57'26" East parallel with the West line of said Southeast Quarter 200.00 feet to the Northeast corner of said previously recorded tract; thence continuing South 00°57'26" East parallel with the West line of said Southeast Quarter 327.72 feet (per Record) to said North Right-of-way line; thence South 89°13'40" West along said Right-of-way line parallel with the South line of said Southwest Quarter 125.00 feet (per Record) to the point of beginning, subject to any easements or restrictions of record.

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 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.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

6. **Case No.: ZON2015-00014 and CON2015-00012** – Murray W. Clark Family Trust (owner/applicant) Century Property Management, c/o Cristy Applegate (agent) City zone change request from GC General Commercial to LI Limited Industrial and City Conditional Use request for wrecking and salvage on property described as:

Lot 1 and Lot 2, EXCEPT the South 110 feet, O.R. Higgs Addition to Wichita, Sedgwick County, Kansas.

CHAIR PRO TEM DENNIS announced that the application had been deferred indefinitely.

7. **Case No.: ZON2015-00015** - Scott McPhail, Dorothy Jacobs-McPhail and Carol Jacobs (applicants) request a City zone change request from GI General Industrial to SF-5 Single family Residential on property described as:

Lot 32, North Wichita Gardens Addition, Wichita, Sedgwick County, Kansas.

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 two, 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 two, 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.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

8. **Case No.: CON2015-00013** – James Cummings (owner/applicant) and Susan McQuitty (agent) request a City Conditional Use request for a temporary accessory apartment for a medical hardship on property zoned SF-5 Single family Residential on property described as:

Beginning at a point 642.85 feet East of the Northwest corner of Government Lot 1, in Section 29, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South 254.1 feet to the South line of said Government Lot 1; thence East 150 feet; thence North 254.1 feet to the North line of said Government Lot 1; thence West 150 feet to the point of beginning

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:

- (7) **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.
- (8) **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.
- (9) **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.

- (10) **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.
- (11) **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.
- (12) **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.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

9. **Case No.: CUP2015-00006** - Life Covenant Church, Inc. (Mark Allen); JTS Investments, LLC / Kaw Valley Engineering, Inc. (Tim Austin) request an amendment to the LC Limited Commercial zoned Community Unit Plan CUP DP-313 to allow a self storage warehouse on Parcel 8 on property described as:

Commencing at the northwest corner of the northwest quarter of Section 23, Township 27 South, Range 2 East of the Sixth Principle Meridian, Sedgwick County, Kansas;

Thence N 89d49'35" E on an assumed bearing along the north line of said northwest quarter of Section 23 for a distance of 263.28 feet;

Thence S 01d10'25" W for a distance of 50 feet to a point of intersection with the south line of Central Avenue in the City of Wichita and the west right of way line of the K-96 Highway as condemned in Condemnation Case No. 91C 768;

Thence S 33d30'34" E along the said west right of way line of K-96 for a distance of 24.79 feet to a point of beginning;

Thence continuing S 33d30'34" E along the said west right of way line of K-96 for a distance of 239.40 feet;

Thence S 2d24'25" W for a distance of 166.68 feet;

Thence S 28d53'39" W for a distance of 169.44 feet;

Thence 00d 49'24" E for a distance of 129.84 feet;

Thence S 89d10'36" W for a distance of 224.11 feet to a point lying 60 feet east of the west line of said northwest quarter of Section 23;

Thence N 00d49'24" W parallel with the west line of said northwest quarter for a distance of 360.46 feet;
Thence N 7d42'27" E for a distance of 101.12 feet;
Thence N 00d49'24" W for a distance of 150 feet;
Thence N 44d00'05" E for a distance 35.46 feet;
Thence N 88d49'35" E for a distance of 150 feet;
Thence N 80d17'44" E for a distance of 27.30 feet to the point of beginning.

CHAIR PRO TEM DENNIS announced that the application had been withdrawn.

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 2:00 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: SUB2015-00015 – SCHOLFIELD HONDA COMMERCIAL 2ND ADDITION

OWNER/APPLICANT: RJ Realty, LLC, Attn: Roger Scholfield, 7017 East Kellogg, Wichita, KS 67207

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

LOCATION: East of Woodlawn, South side of Kellogg (District I)

SITE SIZE: 10.61 acres

NUMBER OF LOTS

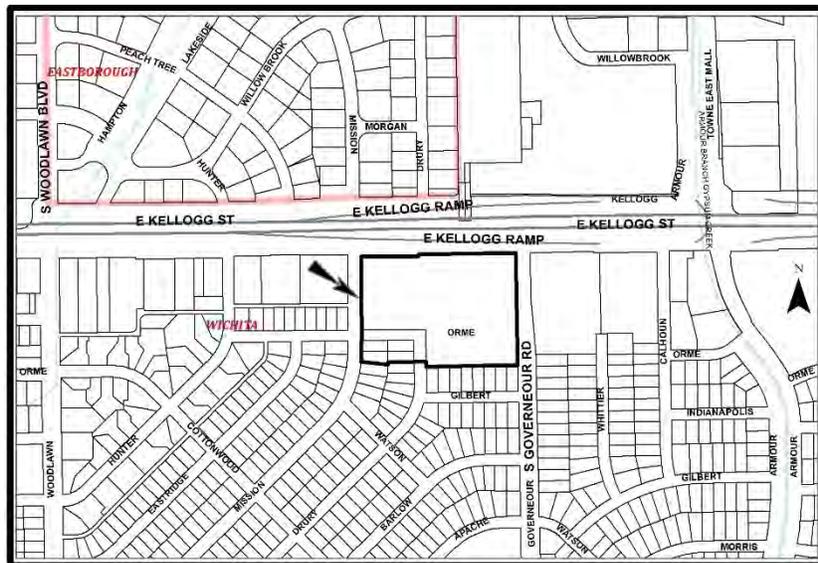
Residential:	
Office:	
Commercial:	1
Industrial:	—
Total:	1

MINIMUM LOT AREA: 10.61 acres

CURRENT ZONING: SF-5 Single-Family Residential

PROPOSED ZONING: LC Limited Commercial

VICINITY MAP



**SUB2015-00015 -- Plat of SCHOLFIELD HONDA COMMERCIAL 2ND ADDITION
May 21, 2015 - Page 2**

NOTE: This is a replat of a portion of the Eastridge 5th Addition and the Scholfield Honda Commercial Addition. The southwest portion of the site has been approved for a zone change (ZON2015-00010) from SF-5 Single-Family Residential to LC Limited Commercial. An Amendment to the Scholfield Honda Commercial Community Unit Plan (CUP2015-00003, DP-305) was also approved for the site. The plat includes the vacation of portions of Orme and Drury Lane.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently served by both sewer (lateral and main) and water (distribution and transmission). Existing service lines shall be abandoned at the tap. The public sewer line running east-west across the lot will require a private project to either be abandoned or converted to private maintenance at a manhole. A temporary utility easement will be required if plans are not approved prior to City Council approval of the plat. The City does not desire to loop public water through the proposed waterline easement at the southwest corner of the plat. Instead, extension of the 2" line in Gilbert to connect in Gouverneur shall be guaranteed.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's preliminary drainage concept.
- D. In accordance with the CUP, the applicant shall guarantee the installation of an access point through the Gouverneur Road median at Gilbert.
- E. Traffic Engineering has approved the access controls. The plat proposes three access openings along both Mission Road and Kellogg, and two openings along Gouverneur Road.
- F. The applicant shall guarantee the closure of any driveways and street returns located in areas of complete access control or that exceed the number of allowed openings. A Driveway/Street Return Closure Certificate in lieu of a guarantee may be provided.
- G. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Scholfield Honda Commercial Community Unit Plan (CUP2015-00003, DP-305).
- H. County Surveying advises that the label at the northeast corner of the proposed Lot 1, Block A needs corrected from SE to NE.
- I. County Surveying advises that the label on the west line of the proposed Lot 1, Block A needs corrected from "East line, Lot 12, Block 2, Eastridge 5th Addition" to "West line, Lot 1, Block 2, Eastridge 5th Addition".
- J. County Surveying advises there are two of the same labels for the 1.50' North of the SW Corner of Lot 14, Block 2, Eastridge 5th Addition.

**SUB2015-00015 -- Plat of SCHOLFIELD HONDA COMMERCIAL 2ND ADDITION
May 21, 2015 - Page 3**

- K. The vacation of Drury Lane has created a dead end of 150 feet and Staff recommends a modification of the Subdivision Regulation requirement for a turnaround. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- L. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- M. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- N. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- P. The Applicant 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.
- Q. 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.)
- R. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- S. 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.
- T. 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.

**SUB2015-00015 -- Plat of SCHOLFIELD HONDA COMMERCIAL 2ND ADDITION
May 21, 2015 - Page 4**

- U. 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.

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

- W. Westar Energy advises that LaDonna Vanderford is the Area Construction Services Representative for this plat and is working with the applicant about an existing electric line and equipment that may need to be relocated due to the new building being built here. She is waiting on a site plan that shows the exact placement of the building in reference to that equipment. Additional easements may need to be requested by separate instrument at a later time. She can be reached at 316-261-6490. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

- X. Kansas Gas Service advises of existing facilities along Orme Street and Drury Lane that are located in the area to be vacated. A utility easement is needed on the plat to protect existing facilities. Contact Joseph A. Bridgewater (joseph.bridgewater@onegas.com; 316-832-3123).

- Y. 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
 DAB II 5-11-15
 MAPC 5-21-14

CASE NUMBER: ZON2015-00017

APPLICANT/AGENT: Alan D. Lefors & Linda Turley and Fugate Enterprises (applicants),
 Mark Savoy (agent)

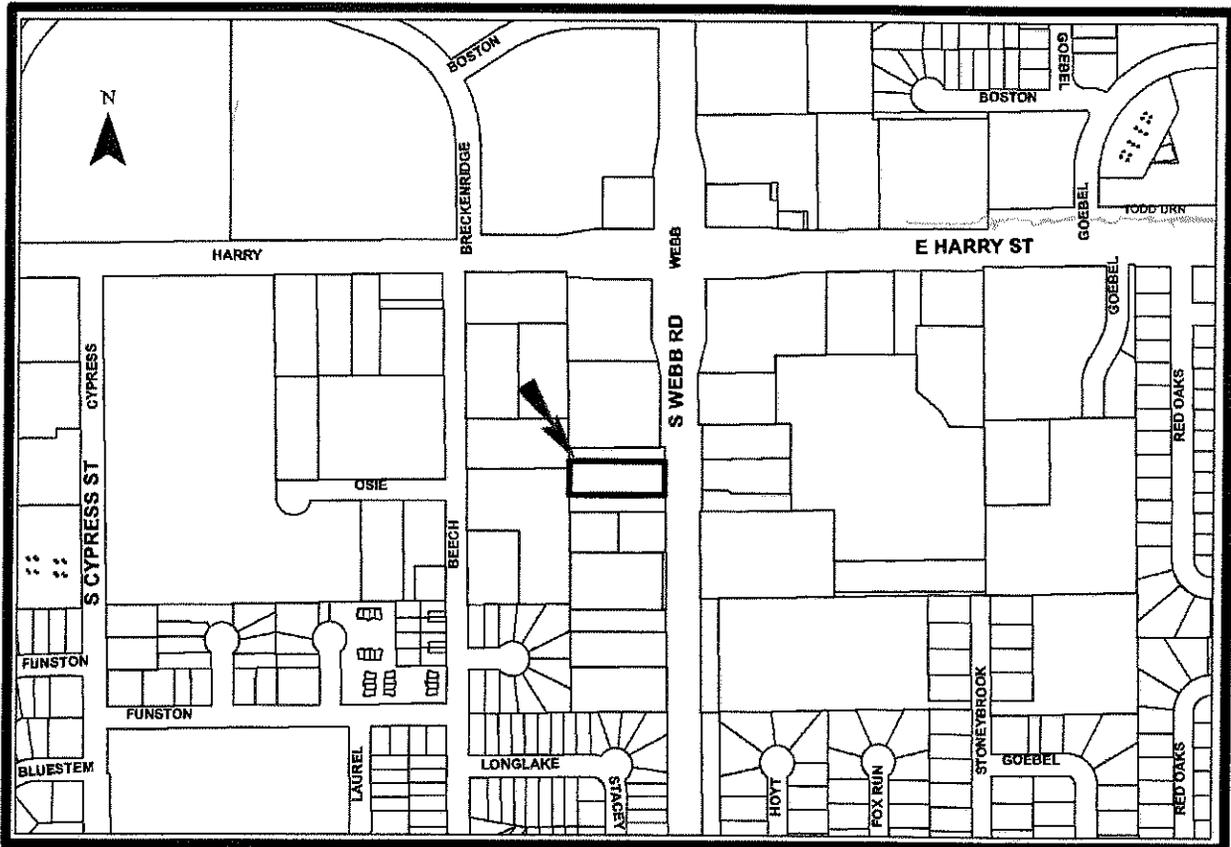
REQUEST: LC Limited Commercial

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: 0.60 acre

LOCATION: South of Harry Street on the west side of South Webb Road

PROPOSED USE: Restaurant



BACKGROUND: The applicant is seeking Limited Commercial (LC) zoning to permit a restaurant use on 0.88 acres located on the west side of South Webb Road, south of Harry Street, which is a four-lane arterial. The subject site is the south portion (0.60 acre) of an unplatted lot with two zoning districts. The north portion of the property (0.25 acre is zoned LC) and the rest of the site is zoned SF-5 Single-family Residential. If approved, the LC zoning would permit the development of a restaurant.

The applicants have submitted a one-step final plat for the Wasinger Addition. After the zone change and the plat have been perfected, the applicants will provide a scaled site plan giving more detail including, but not limited to, building location, landscaping, any proposed light poles and identification of customer and employee parking.

The properties located east and north of the site are zoned LC and developed with fast food restaurants with drive-thru services. Land west of the subject site, is zoned GO General Office developed with strip office buildings. Land to the south is zoned GO and is currently undeveloped.

CASE HISTORY: This zone change application has been filed to change current zoning (SF-5) to LC. LC zoning allows warehouse/self-storage facilities with approval of CON2015-10. The land is currently undeveloped.

ADJACENT ZONING AND LAND USE:

North: LC; Fast Food Restaurant with Drive-Thru
South: GO; Undeveloped
East: LC; Fast Food Restaurant with Drive-Thru
West: GO; Strip office development

PUBLIC SERVICES: The site is served by all usual municipal and private utilities and services.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “local commercial” use. The “Local” use category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and person service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing uses.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends approval of the request.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land located immediately next to, or across the street from the application area is zoned LC and GO. Fast food restaurants are in operation north and east of the site and a large strip office is located to the west of the site.
2. The suitability of the subject property for the uses to which it has been restricted: The site is surrounded by LC development. The subject site is bordered by LC to the north, GO to the west and south. Across Webb Road to the east, the properties are zoned LC and developed with fast food restaurants and a neighborhood Wal-Mart.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the LC zoning should not create an increased negative impact on nearby property given the site location on an arterial street and there are already fast food restaurants immediately adjacent to the subject 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: Given the surrounding commercial uses and the location of the property on a major arterial street, SF-5 zoning would cause economic hardship to the owner. LC zoning is appropriate for this location and provides economic viability of the property for the owner.
5. Length of time the property has been vacant as currently zoned: The site has a single-family house that appears to have been vacant for multiple years given the state of deterioration evident.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “local commercial” use. The “Local” use category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and person service facilities. The site is intended to be developed as a fast food restaurant.
7. Impact of the proposed development on community facilities: None identified.

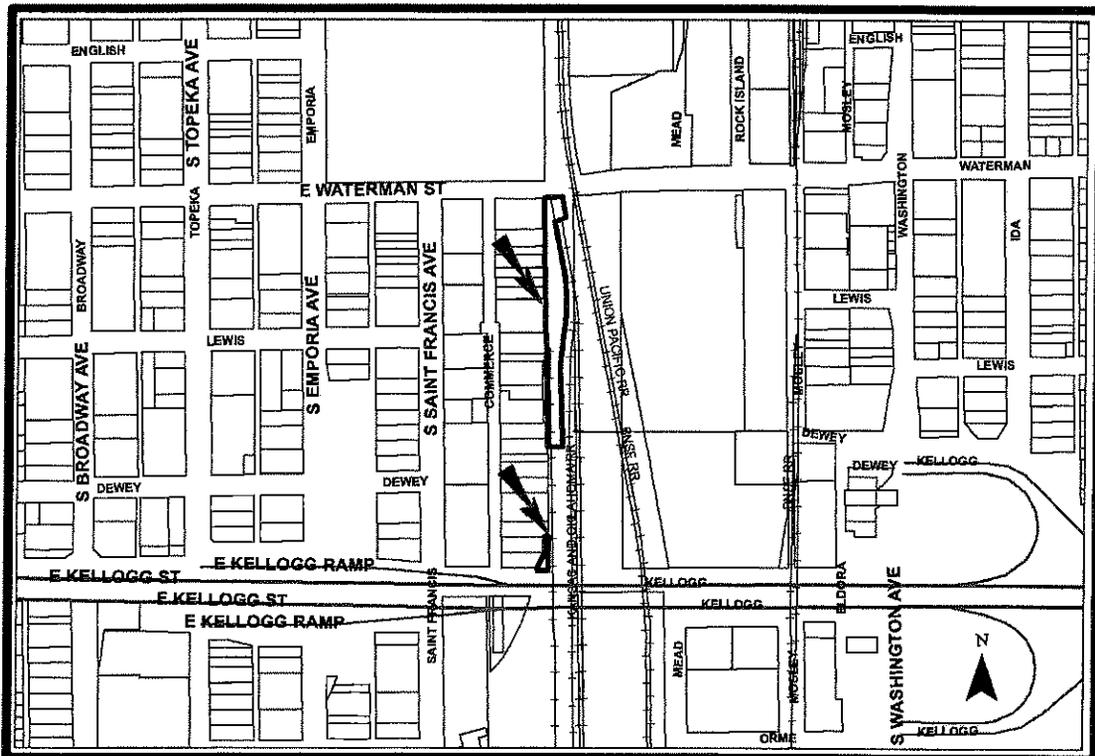


STAFF REPORT

MAPC May 21, 2015

DAB I June 1, 2015

- CASE NUMBER:** ZON2015-00018
- APPLICANT/OWNER:** The Finn Lofts, LLC & Kansas and Oklahoma Railroad, LLC (applicants/owners)
- REQUEST:** CBD Central Business District (CBD)
- CURRENT ZONING:** Limited Industrial (LI)
- SITE SIZE:** Approximately 1.12-acres
- LOCATION:** Generally located south of Waterman Street and east of Commerce Street (WCC #I)
- PROPOSED USE:** To create additional parking for the Commerce Art District



BACKGROUND: The long broken, irregular shaped, undeveloped, unplatted Limited Industrial (LI) zoned site is located north of Kellogg Street, south of Waterman Street, east of Commerce Street and west of the elevated railroad tracks. The requested Central Business District (CBD) zoning matches the west abutting CBD zoned properties; ZON2000-00032 and ZON2005-00031. Most of these abutting properties' brick, one-two story buildings were built (1900-1930) originally as warehouses utilizing the area's still existing active railroad lines/tracks. The National Historic registered Broom Corn Warehouse is the oldest building, built in 1895. The most recent building appears to have been built in 1960. What was once a warehouse district is now mostly art studios/galleries, an antique store, offices, retail and garden apartments, and is part of the Commerce Street Art District. The applicants propose to use the proposed CBD zoned subject property for much needed paved parking for these abutting CBD zoned developments. The site's current LI zoning would allow parking by right, but the applicants want the property's zoning to match the west abutting development.

The areas located further west, south and north of the site are also zoned CBD. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located north of the site, across Waterman Street. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large events venue. Parking lots cluster around the Arena's west and south sides. Office buildings, retail, parking lots and vacant buildings are located further west of the site. The exception to the area's CBD zoning is the east and south abutting LI zoned railroad easement, which have active ground level rail spurs and elevated tracks. More CBD zoned properties, including the Union Station Depot, are located further east of the site, across the elevated tracks.

CASE HISTORY: The site is not platted, but was a portion of railroad easement/right-of-way.

ADJACENT ZONING AND LAND USE:

NORTH: CBD Large events venue, parking lots, offices
SOUTH: CBD, LI Warehouses, active ground level rail spurs and elevated tracks
EAST: LI, CBD Active ground level rail spurs and elevated tracks, Union Station
WEST: CBD Warehouses-offices, offices, skateboard park, parking lots, vacant buildings

PUBLIC SERVICES: The site has access off of Waterman Street, a four-lane arterial street at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The LI district is generally compatible with the "employment/industry center" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD

district is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building.

The requested CBD is the appropriate zoning for this site, which is located in an area that has evolved from a LI zoned warehouse district built to take advantage of the abutting active railroad system to an eclectic collection of art studios, galleries, an antique store, garden apartments, retail, offices and office-warehouses. Previous requested zoning changes on the west abutting properties from LI to CBD promoted and reflected the area’s change in uses; ZON2000-00032 and ZON2005-00031.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for CBD zoning be **APPROVED**, subject to platting within a year.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** What was once a LI zoned warehouse district is now a CBD zoned area of art studios/galleries, an antique store, offices, retail and garden apartments, and is part of the Commerce Street Art District. The areas located further west, south and north of the site are also zoned CBD. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located north of the site, across Waterman Street. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large events venue. Parking lots cluster around the Arena’s west and south sides. Office buildings, retail, parking lots and vacant buildings are located further west of the site. The exception to the area’s CBD zoning is the east and south abutting LI zoned railroad easement, which have active ground level rail spurs and elevated tracks. More CBD zoned properties, including the Union Station Depot, are located further east of the site, across the elevated tracks.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The area that has evolved from a LI zoned warehouse district built to take advantage of the abutting active railroad system to an eclectic collection of art studios, galleries, an antique store, garden apartments, retail, offices and office-warehouses. Previous requested zoning changes on the west abutting properties from LI to CBD promoted and reflected the area’s change in uses; ZON2000-00032 and ZON2005-00031.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed CBD zoning should not have any detrimental impact on the area. CBD zoning is currently the dominate zoning in the area, the downtown core area.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD district is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building.

The requested CBD is the appropriate zoning for this site, which is located in an area that has evolved from a LI zoned warehouse district built to take advantage of the abutting active railroad system to an eclectic collection of art studios, galleries, an antique store, garden apartments, retail, offices and office-warehouses. Previous requested zoning changes on the west abutting properties from LI to CBD promoted and reflected the area’s change in uses; ZON2000-00032 and ZON2005-00031.

- (5) **Impact of the proposed development on community facilities:** Minimal impact on community facilities.

BACKGROUND: The applicant, Verizon Wireless, is seeking a conditional use to permit the construction of a 100-foot tall, wireless, galvanized steel, undisguised monopole tower within a 50-foot (x) 50-foot lease site on the undeveloped, LC Limited Commercial (LC) zoned 2.00-acre property. The lease site is located approximately 190 feet north of 47th Street South and 185 feet west of Seneca Street. The site has access onto 47th Street South via a proposed access-utility easement. The LC zoning district allows, new undisguised ground-mounted wireless communication facilities of up to 120 feet in height. The site is located within Airport Hazard Zone Area D, which allows a 300-foot maximum height; the site's base zoning, LC, does not permit 300-foot maximum height. The site is not designated on the "Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map," thus the conditional use request.

LC zoned single-family residences (built 1935, 1940) and what appears to be a nonconforming trailer park abut and are adjacent to the north side of the site. LC and SF-5 Single-Family Residential (SF-5) zoned single-family residences (built 1935, 1940 and 1970) and undeveloped land abut and are adjacent to the west side of the site. A LC zoned Sonic fast food restaurant abuts the east side of the site, with LC zoned auto repair and a small strip building located further east across Seneca Street. LC zoned properties located south of the site, across 47th Street South, are developed as a Kwik Shop convenience store, auto repair and undeveloped land. SF-5 zoned single-family residences (built late 1970s – mid 1980s) are located southwest of the site. Both the east abutting Sonic and the south adjacent Kwik Shop sites are shown on the "Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map."

The applicant's RF Engineer has stated that the proposed facility is needed to provide coverage to an area that has minimal to low coverage. The applicant has provided current coverage and projected coverage maps showing the impact of the site in providing service to the area. The applicant has three mentioned candidate sites, including the proposed site. The other two sites are located the on the abutting east Sonic and the adjacent south Kwik Shop sites. Wireless communication providers are particularly encouraged to seek large park areas (but not limited to) for the new locations for new facilities. The applicant has not made contact with the Park Department in regards to using South Lakes Park, located less than ½-mile west of the site on the south side of 47th Street South.

The proposed tower and associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) to insure it poses no hazard to air navigation or interferes with other radio/communication frequencies; this must be provided to staff prior to building permits being issued. Tower lighting must meet the FAA requirements for aircraft warning. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the "Design Guidelines" of the "Wireless Communication Master Plan." The proposed 100-foot tower will be designed for co-location for at least two (2) other providers. The proposed tower is shown with triangular antenna arrays.

CASE HISTORY: The four corners of the Seneca Street – 47th Street Shown intersection are shown as Light Commercial zoning on the 1958 County zoning map. This map reflects the zoning of County properties within a 3-mile ring of the City of Wichita. The site's area was annexed into the City 1961-1970.

ADJACENT ZONING AND LAND USE:

NORTH: LC, SF-5	Single-family residences, trailer park
SOUTH: LC, SF-5	Convenience store, undeveloped land, single-family residences
EAST: LC	Fast food restaurant, auto repair garage, strip commercial building
WEST: LC, SF-5	Single-family residences, undeveloped land

PUBLIC SERVICES: No municipally supplied public services are required. The applicant will extend electrical service to the site. The site has a proposed access easement to 47th Street South, a paved four-lane arterial street with a center turn lane and traffic lights at this location. The proposed wireless communication facility and its 100-foot tall tower will generate less traffic onto 47th Street South than any of the commercial and residential uses in the area.

CONFORMANCE TO PLANS/POLICIES: The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the LC zoned site as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The site’s LC zoning is not appropriate for the urban residential category, but it is not out of character with the LC zoning located on the four sides of the 47th Street South – Seneca Street intersection. The local commercial designation reflects the site’s zoning as shown on the 1958 County zoning map. The UZC considers a wireless communication facility a commercial use.

The LC zoning district allows, new undisguised ground-mounted wireless communication facilities of up to 120 feet in height. The site is located within Airport Hazard Zone Area D, which allows a 300-foot maximum height; the site’s base zoning, LC, does not permit 300-foot maximum height. The site is not designated on the “Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map,” thus the conditional use request.

The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. It states that all towers comply with the compatibility setback standards. The applicant’s site plan shows the tower meeting the compatibility setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible. The proposed 100-foot monopole tower is not the first tower in the general area, as there is a 150-foot tall tower, CON2005-00035, located less than a half-mile northwest of the site as well as a smaller tower located on a USD 259 elementary tower located across the street from CON2005-00035. The proposed tower’s close proximity to the area’s residential development residential areas is supposed to provide improved service to Verizon’s residential and nonresidential customers in this part of Wichita and Sedgwick County; 2) Minimize the height, mass, or proportion. Making the tower shorter may lead to more towers that would be needed to provide the desired coverage; 3) Minimize the silhouette. Monopoles and certain lattice type structures (think City microwave towers) are recommended for up to 150-feet, with antennas mounted flush to the support structure over triangular antenna arrays. However, triangular antenna arrays tend to provide better coverage; 4) Use colors, textures, and materials that blend in with the existing environment. The monopole will have a galvanized surface, which will blend into the sky more readily than red or white paint; 5) Be concealed or disguised as a flagpole, clock tower, or church steeple. These design disguises were not mentioned in the application; 6) Be placed in areas where trees and/or buildings obscure some or all of the facility. The undeveloped site has existing trees,

that appear to be primarily un-kept Siberian or Chinese Elms scattered throughout the two-acre site that provide some cover for a 100-foot tall monopole, if they are preserved and cared for. Planting large evergreens and solid screening could provide cover from the ground up to 20-40 feet; 7) Be placed on walls or roofs of buildings. The tower map addresses co-location opportunities on other towers, specifically CON2005-00035's 150-foot tower; 8) Be screened through landscaping, walls, and/or fencing. Planting junipers/evergreens (a minimum of 5 feet tall at the planting, spaced 15 feet apart, center to center of each juniper/evergreen. This spacing will provide solid screening when the junipers/evergreens mature and with proper care provide a more attractive and efficient screening than a 6-8-foot tall wooden privacy fence; and 9) Painting towers red and white instead of using strobe lighting. The applicant has stated that there will be no strobes and that it will be a galvanized steel finish. NOTE: Since the time the Wireless Communication Master Plan was first adopted, the FAA changed their regulations to require daytime strobe lighting; whereas, when the plan was adopted, the FAA allowed painted towers red and white instead of using strobe lighting.

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

- A. This request must have the approval by the FAA in determining the proposed wireless communication facility with its 100-foot tall monopole tower pose no hazard to air navigation or interferes with other radio/communication frequencies; Form FAA 7460-1 Notice of Proposed Construction or Alteration. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- B. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
- C. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- D. The support structure shall be a monopole design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- E. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least two (2) wireless service providers.
- F. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 5-foot when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide Public Works and the MABCD with any required plans for review and approval of the site.

H. 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 undeveloped LC zoned site located on the northwest corner of 47th Street South and Seneca Street. LC zoned single-family residences (built 1935, 1940) and what appears to be a nonconforming trailer park abut and are adjacent to the north side of the site. LC and SF-5 Single-Family Residential zoned single-family residences (built 1935, 1940 and 1970) and undeveloped land abut and are adjacent to the west side of the site. A LC zoned Sonic fast food restaurant abuts the east side of the site, with LC zoned auto repair and a small strip building located further east across Seneca Street. LC zoned properties located south of the site, across 47th Street South, are developed as a Kwik Shop convenience store, auto repair and undeveloped land. SF-5 zoned single-family residences (built late 1970s – mid 1980s) are located southwest of the site. Both the east abutting Sonic and the south adjacent Kwik Shop sites are shown on the “Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map.”
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC and is currently undeveloped. The site could be developed for many commercial, office and residential uses by right. The proposed tower would introduce a new use to the area.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed 100-foot tall, wireless, galvanized steel, monopole would be the first in the immediate area. Its visual impact is undeniable, however the conditions of approval will add landscaping around the site, to help minimize the eye level visual impact. The area’s residence will weigh the touted benefits of the proposed wireless communication facility and its 100-foot tall monopole tower against the site’s visual impact.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the LC zoned site as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The site’s LC zoning is not appropriate for the urban residential category, but it is not out of character with the LC zoning located on the four sides of the 47th Street South – Seneca Street intersection. The local commercial designation reflects the site’s zoning as shown on the 1958 County zoning map. The UZC considers a wireless communication facility a commercial use.

The LC zoning district allows, new undisguised ground-mounted wireless communication facilities of up to 120 feet in height. The site is located within Airport Hazard Zone Area D, which allows a 300-foot maximum height; the site’s base zoning, LC, does not permit 300-foot

maximum height. The site is not designated on the “Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map,” thus the conditional use request.

The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The proposed site mostly conforms to the guidelines of the Wireless Communication Master Plan for locating wireless communication facilities. Wireless communication providers are particularly encouraged to seek large park areas (but not limited to) for the new locations for new facilities. The applicant has not made contact with the Park Department in regards to using South Lakes Park, located less than ½-mile west of the site on the south side of 47th Street South. The proposed wireless communication facility with its 100-foot tall tower is supposed to provide improved service to the Verizon customers in this part of Wichita and Sedgwick County. The UZC considers a wireless communication facility a commercial type of use.

5. **Impact of the proposed development on community facilities:** FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. Traffic coming to and leaving the site will be less than the surrounding uses.



Network Real Estate
Kansas Missouri Region
D10740 Nall Avenue, Suite 400
Overland Park, Kansas 66211
913-344-2800

March 30, 2016

TO: *[Wichita Metropolitan Area Planning Commission]*
RE: Zoning Application for Proposed Wireless Communications Facility
VZW Site ID: 47th and Seneca
Site Address : 1208 W 47th Street Wichita KS 66223 Sedgwick

To Whom It May Concern,

Verizon Wireless is proposing a new tower build within City of Wichita at the above-referenced address (Site). The proposed location will provide additional capacity to the Verizon Wireless network currently operating in City of Wichita. Verizon Wireless' Radio Frequency Engineering team has selected the proposed location after a careful study of existing and future network capacity needs and consideration of other alternate locations.

Currently, Verizon Wireless provides wireless service coverage in and around the area of the proposed site. However, with increasing capabilities of wireless devices - including smart phones, tablets, and WiFi hotspots - wireless carriers are under constant pressure to provide faster data speeds for more devices and larger amounts of data. As a result, Verizon Wireless is working to increase wireless network capacity nationally within the existing network through capacity sites like the site being proposed herein. The proposed Site is an example of Verizon Wireless' efforts to increase capacity and ensure that our network remains reliable even with increased data usage by our customers.

The main objective of the proposed site is to offload our existing Seneca Mall cell site, specifically the beta sector. The secondary objectives are to improve the coverage and signal quality south of Seneca Mall.

Several locations were considered for this site.

- The primary location at the intersection of 47th and Seneca street
- A monopole in the compound of the Southwest Boys Club Sports Complex owned by SBA.
- A self-support tower in the compound of the Cessna Elementary School.
- Two locations in the South Lakes Park area

CGN2015-05

Figures 1a, 1b and 1c show the serving sectors south of Seneca Mall, the existing coverage levels and the existing signal quality levels. They also show the four locations that we considered to offload Seneca Mall beta.

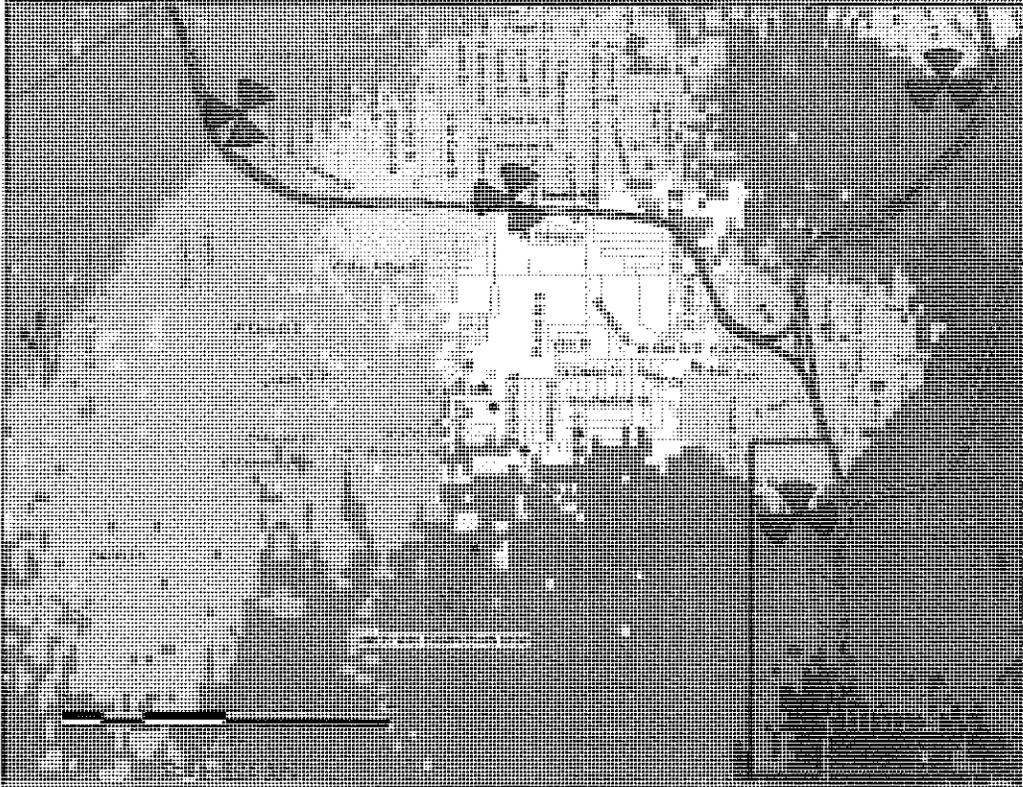


Figure 1a – Existing Best Serving Sector

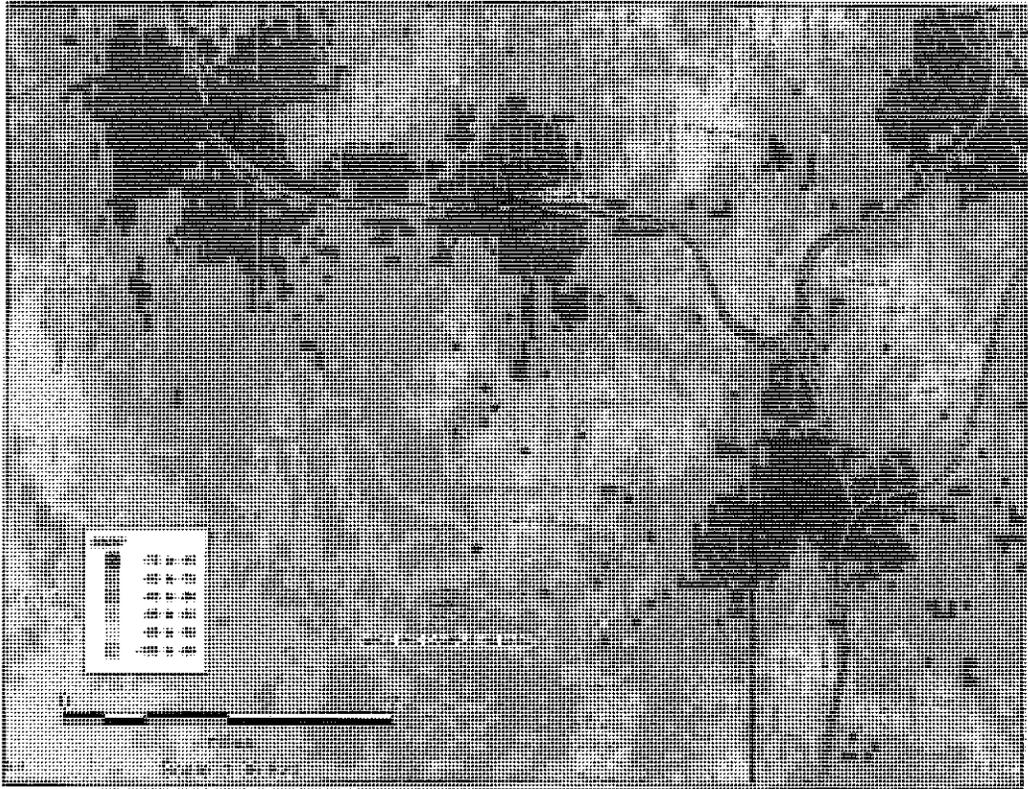


Figure 1b – Existing Signal Level

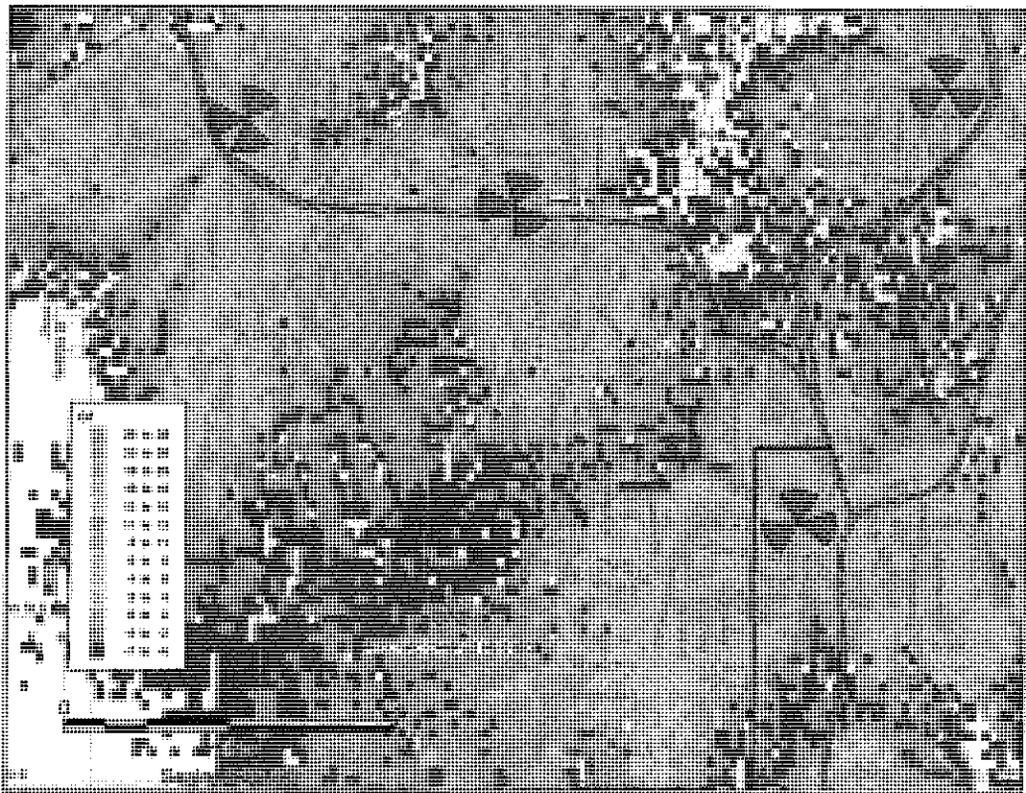


Figure 1c – Existing Signal Quality

The Primary Candidate Location:

The primary candidate location is the only viable location for Verizon because it is the only location that will not degrade the capacity and signal quality of Seneca Mall beta. From this location we are expecting to offload Seneca Mall beta by about 71%. Because of its location and distance from Seneca Mall the average throughput of Seneca Mall beta will improve resulting to increased capacity and improved signal quality. Please see figures 2a, 2b and 2c for the coverage plots.

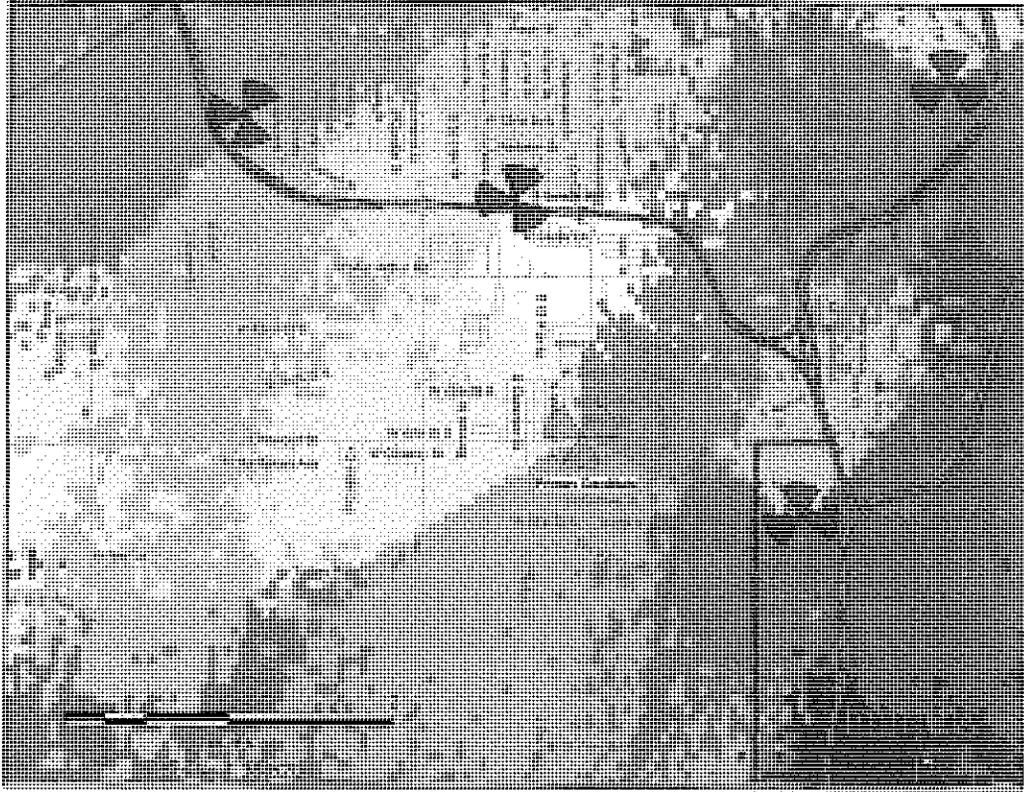


Figure 2a – Primary Location, Best Serving Sector

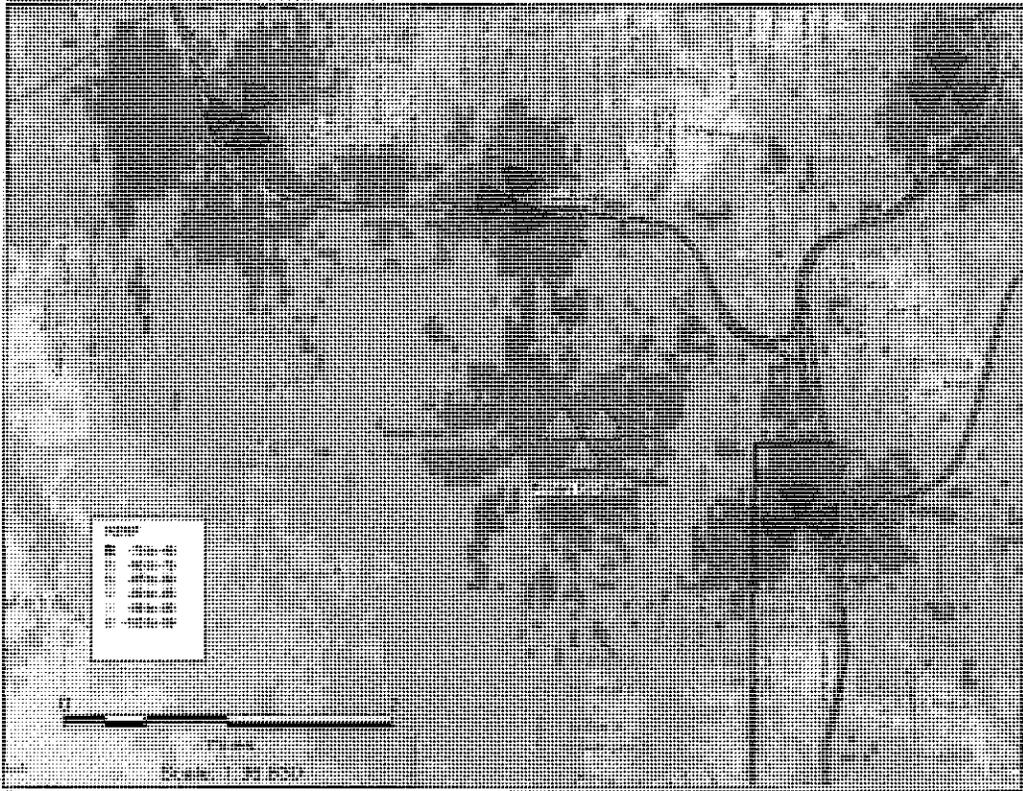


Figure 2b – Primary Location, Signal Level

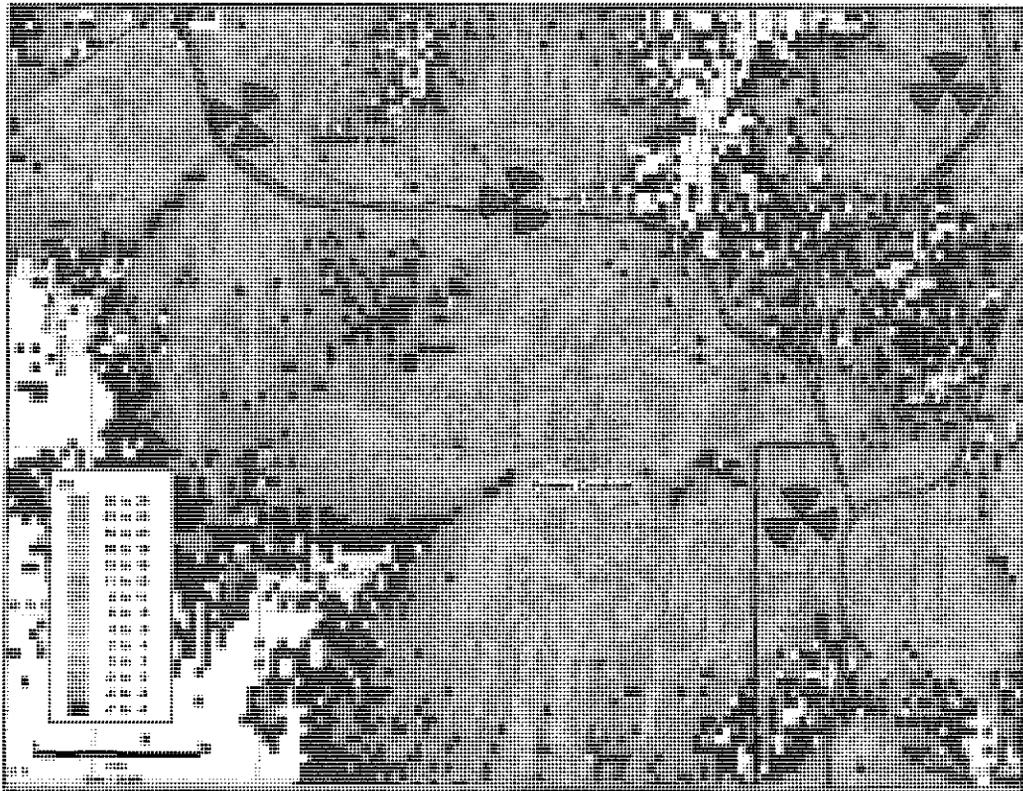


Figure 2c – Primary Location, Signal Quality

The SBA and Cessna Elementary School Locations:

Both of the SBA and Cessna Elementary School locations can offload Seneca Mall beta (46% and 42%, respectively) but because of their proximity to Seneca Mall the average throughput of Seneca Mall beta will degrade reducing its capacity and overall signal quality. This will lead to another offload site in the future. For this reasons both the SBA location and the Cessna Elementary School location will not work for us. Please see figures 3a, 3b, 3c, 4a, 4b and 4c for the coverage plots.

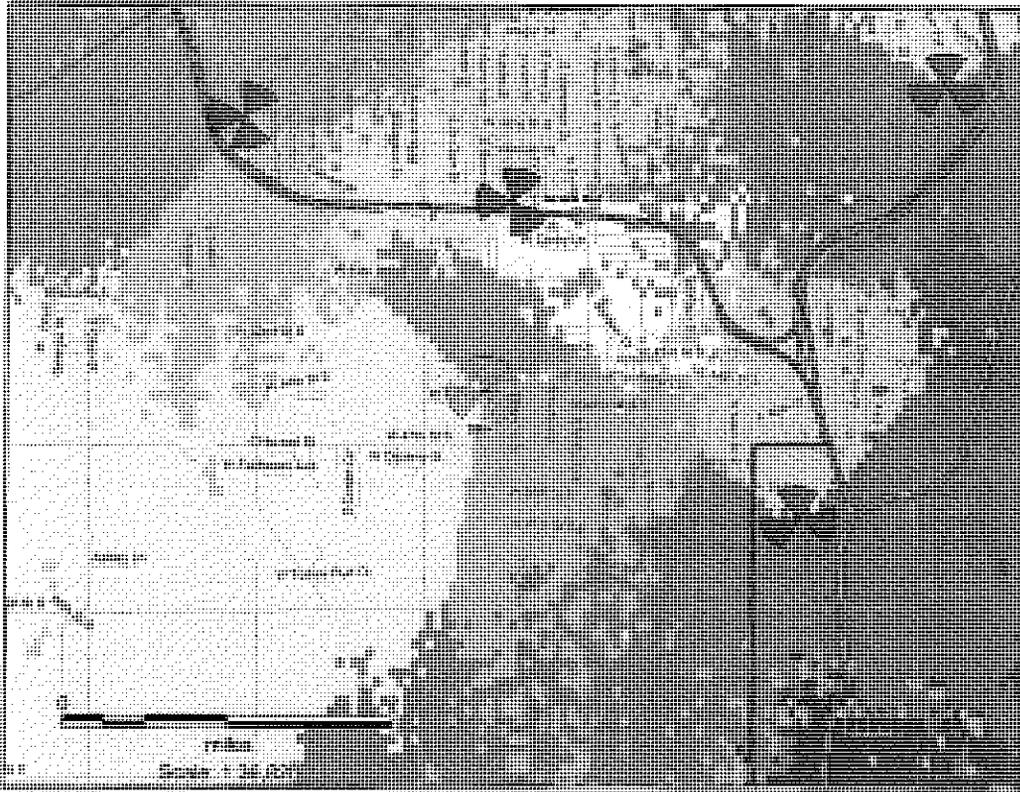


Figure 3a – SBA tower, Best Serving Sector

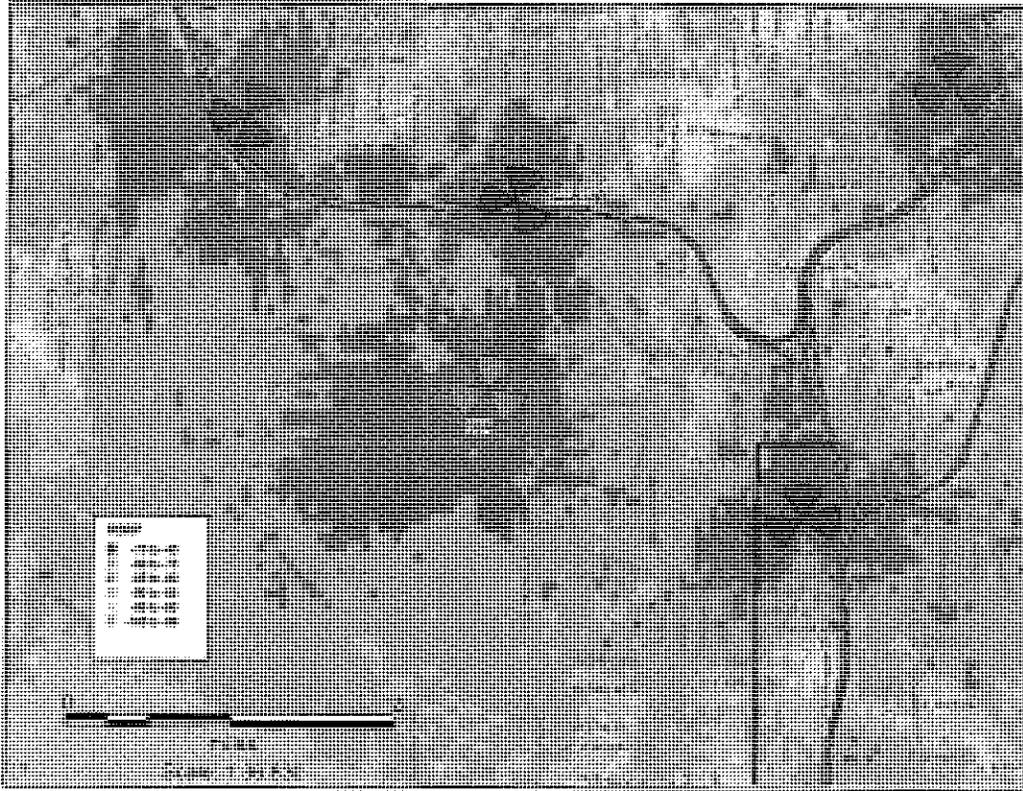


Figure 3b – SBA Tower, Signal Level

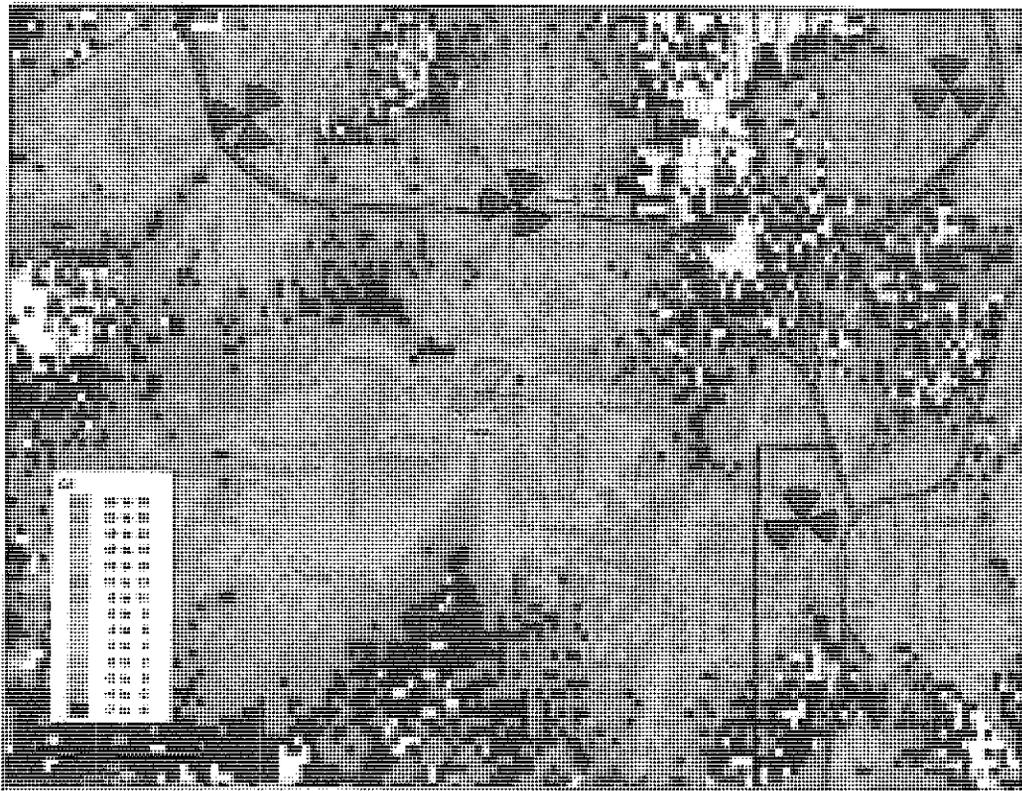


Figure 3c – SBA Tower, Signal Quality

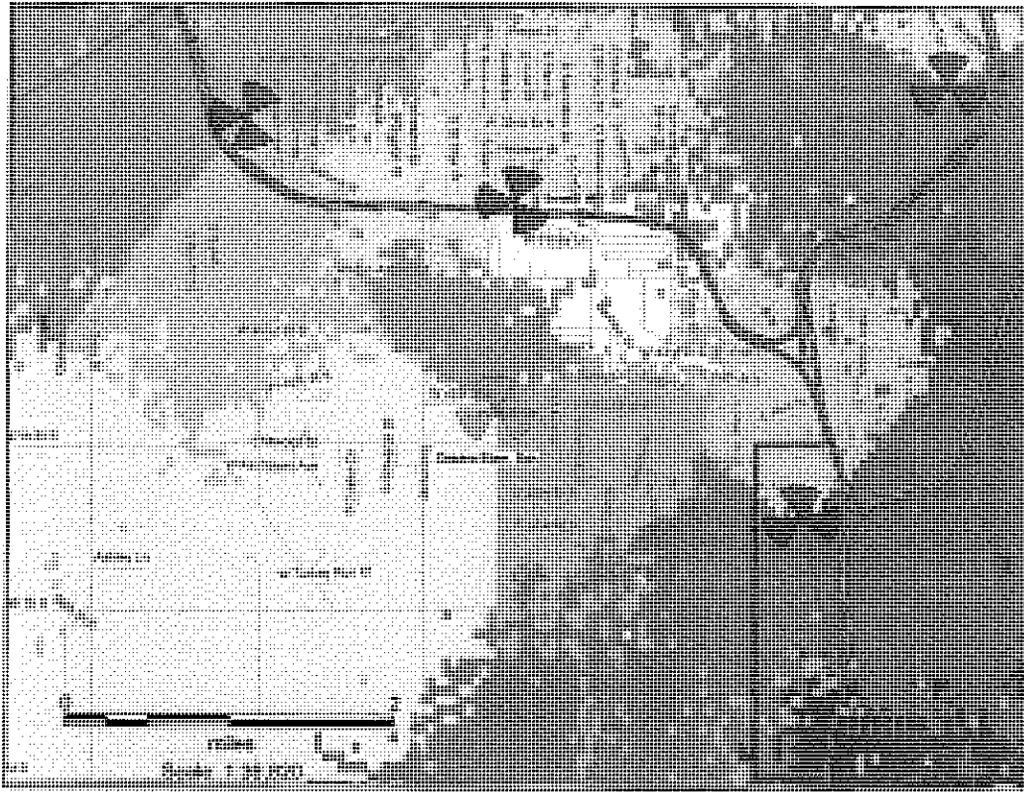


Figure 4a – Cessna Elem. Sch. Tower, Best Serving Sector

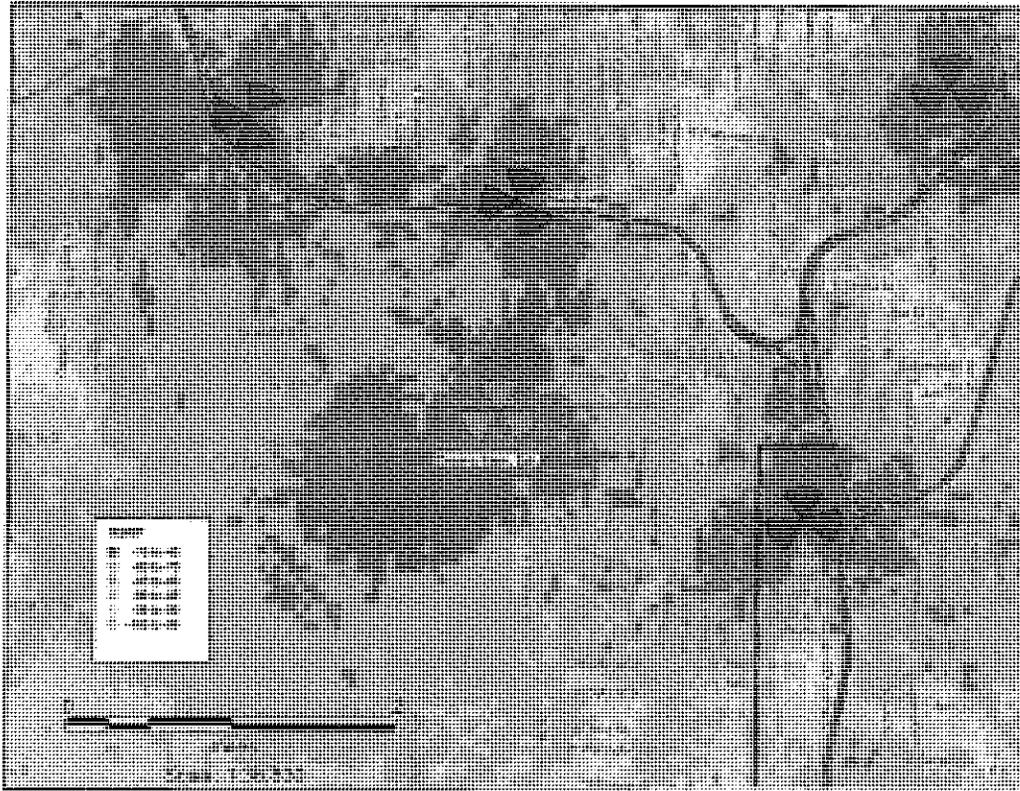


Figure 4b – Cessna Elem. Sch. Tower, Signal Level

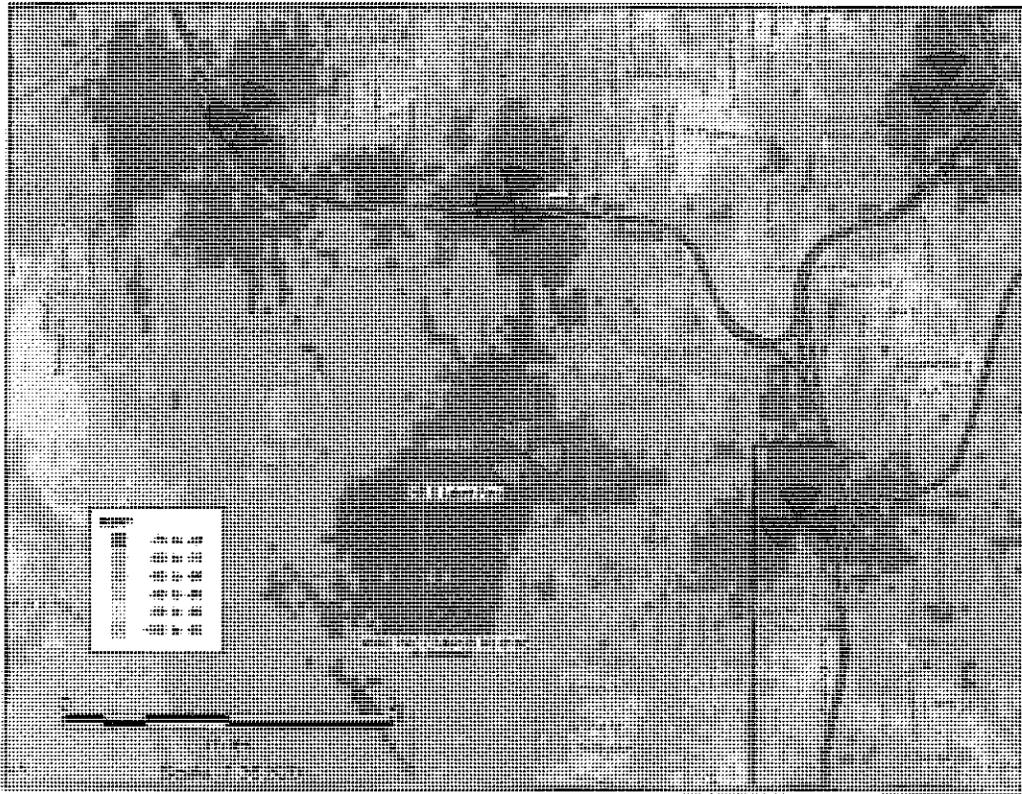


Figure 6b – NE South Lakes Park Location, Serving Level

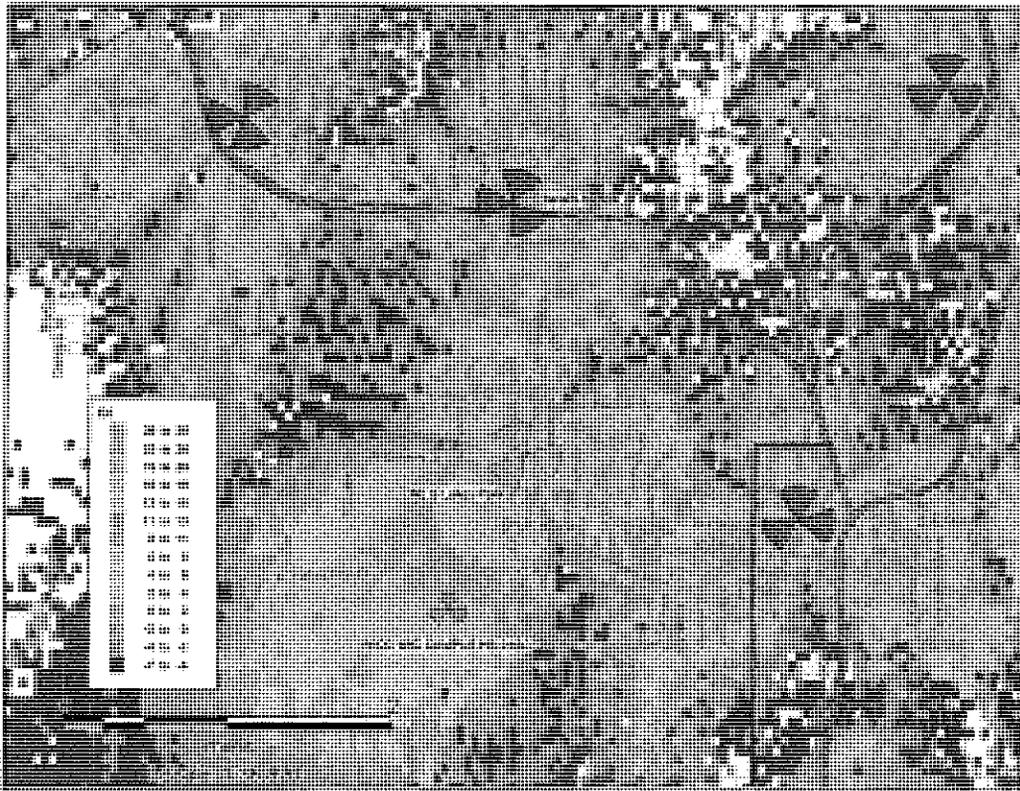


Figure 6c – NE South Lakes Park Location, Signal Quality

To summarize, the primary candidate is the only viable location for Verizon because the other possible locations will only degrade the performance of our network.

Seneca Mall Beta	Traffic Offload	Capacity Headroom (of Seneca Mall Beta)
with offload at Primary Location	71%	38%
with offload at SBA	46%	-67%
with offload at Cessna Elem. Sch.	42%	-73%
with offload at S Lakes Park	37%	-64%
with offload at NE Lakes Park	46%	-50%

To further explain, while Verizon Wireless currently provides reliable voice and data service in this area, data usage is increasing exponentially due to services like wireless internet, mobile email and video streaming. Businesses are also increasingly dependent on our data network for mobile internet and enterprise applications. Most critically, many local and state public safety and emergency service providers rely on our network every day to ensure the safety of your community. Verizon Wireless is committed to best-in-class network reliability for all of these customers, and this proposed Site will allow Verizon to maintain this commitment.

In addition, Verizon Wireless will soon be upgrading its voice service, which will put even more demand on the existing data network. As a result, Verizon Wireless must make critical upgrades to its network in this area to maintain reliable data service for its customers who live and work there, many of whom rely exclusively on wireless communications services and do not have landline phone service.

Your approval of this project will enable Verizon Wireless to continue to maintain the best, most reliable wireless service in your area. The proposed upgrade to our network in this area will provide businesses and residential customers with the reliable wireless service on which they have come to rely, and will ensure that emergency service and public safety customers can continue to ensure public safety for all of City of Wichita’s citizens and visitors.

Thank you for your consideration.

Sincerely,

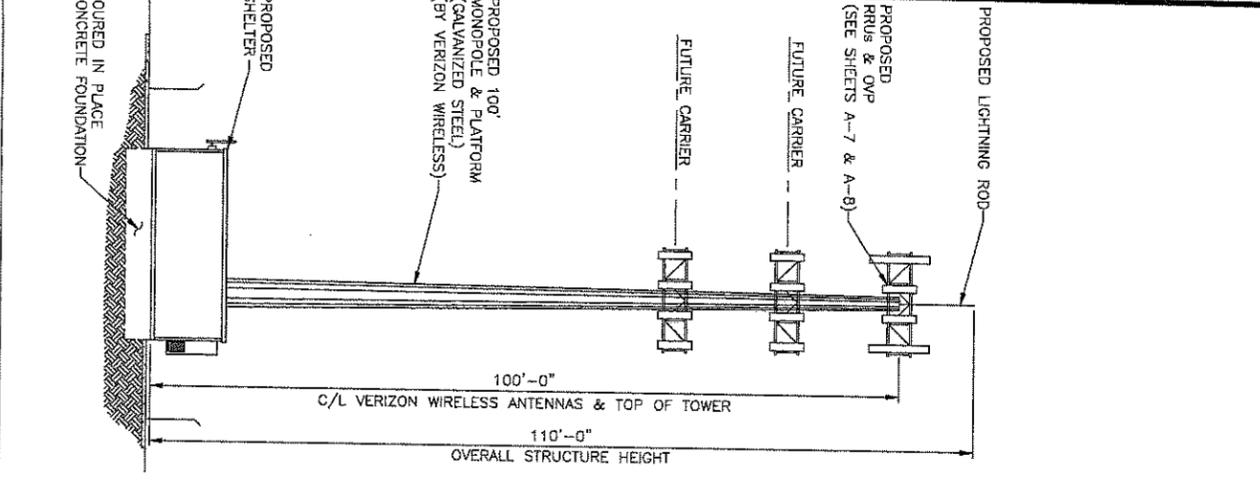
Marion S. Crable
Manager – Network Real Estate
Kansas Missouri Region

Antenna Make/Model	Antenna Category (ft/AGU)	Antenna Count	Height (ft)	Width (ft)	Depth (ft)	Weight (lbs)	Reflected Power (dBm)	Mech. Downlink	Electrical Downlink	TMA Make/Model	TMA Count	Diplexer Make/Model	Diplexer Count	Coax Make/Model	Coax Count	Coax Size	Coax Length	RUU Make/Model	RUU Count	OVP Make/Model	OVP Count	Hybrid Cable Make/Model	Hybrid Cable Count	Hybrid Cable Size	Hybrid Cable Length	Hybrid Jumper Count	Hybrid Jumper Length	*RF Jumper Count	
A-GMA	Proposed	100	94.62	11.89	7.09	48.84	67/75*	2"	0"		0		0		0														
B-3C	Proposed	100	57	13	9	110	67/75*	2"	0"		0		0		0														
C-AWS	Proposed	100	57	13	9	110	67/75*	2"	0"		0		0		0														
D-1TE	Proposed	100	94.62	11.89	7.09	48.84	67/75*	2"	0"		0		0		0														
E-GMA	Proposed	100	94.62	11.89	7.09	48.84	187/75*	2"	0"		0		0		0														
F-3C	Proposed	100	57	13	9	110	187/75*	2"	0"		0		0		0														
G-AWS	Proposed	100	57	13	9	110	187/75*	2"	0"		0		0		0														
H-1TE	Proposed	100	94.62	11.89	7.09	48.84	187/75*	2"	0"		0		0		0														
I-GMA	Proposed	100	94.62	11.89	7.09	48.84	307/75*	2"	0"		0		0		0														
J-3C	Proposed	100	57	13	9	110	307/75*	2"	0"		0		0		0														
K-AWS	Proposed	100	57	13	9	110	307/75*	2"	0"		0		0		0														
L-1TE	Proposed	100	94.62	11.89	7.09	48.84	307/75*	2"	0"		0		0		0														
Antenna Total		12									0		0		0					3								12	
TMA Total										0			0		0														
Diplexer Total											0		0		0														
Coax Total											0		0		0														
RUU Total																					3								
OVP Total																					2								
Hybrid Cable Total																						2							
Jumper Total																													9

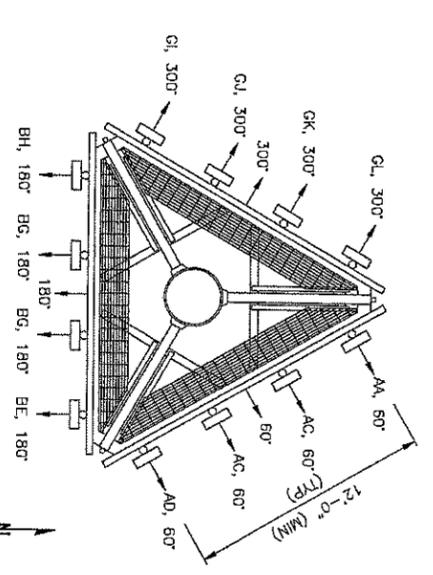
* (1) Also Only Chain Jumper Cable Per Sector (Total 6)

PROPOSED ANTENNA KEY

(3 SECTOR) PLATFORM, MOUNTS & HANDRAILS, PER TOWER MANUFACTURER



NOTE:
ALL EQUIPMENT IN THE ANTENNA KEY IS OUTSIDE THE SHELTER/EQUIPMENT ROOM/PLATFORM



NOT TO SCALE
ANTENNA LAYOUT

NOTE:
THE ANTENNA LAYOUT IS FOR ANTENNA ORIENTATION ONLY. ALL CONNECTIONS FOR HANGERS, SUPPORTS, BRACING, ETC., SHALL BE PER TOWER MANUFACTURER'S STANDARD DETAILS.

- ANTENNAS SHALL BE DESIGNATED FROM RIGHT TO LEFT, FACING THE ASSEMBLY FROM THE GROUND. LEFT TO RIGHT FACING THE BACK OF THE ANTENNA.
- THE OUTER MOST ANTENNAS ON EACH FACE SHALL BE DESIGNATED AS THE TRANSMIT ANTENNAS.
- EACH TRANSMISSION LINE SHALL BE LABELED WITH BRASS "TOE TAGS", GRANGER PART NUMBER 1F035-8, STAMPED WITH 1/4" LETTERS/NUMBERS ATTACHED WITH A SEMIPERMANENT METHOD (IE, BLACK UV RESISTANT CABLE TIES). THE TAGS SHALL BE PLACED SO AS NOT TO COME IN CONTACT WITH THE CONNECTOR ON THE LINE AND THE METAL OF THE TOWER. LINES SHALL BE LABELED AT THE TOP, BOTTOM AT ENTRY PORT.
- EACH LINE SHALL ALSO BE LABELED AT THE LIGHTNING/SURGE PROTECTOR MOUNTING PLATE WITH A PRINTABLE LABEL MARKER TO INDICATE LINE NUMBER AND FUNCTION, THE SAME AS THE TOE TAG.
- THE TAG LABELING SHALL BE AS DESIGNATED IN THE ANTENNA KEY. FOR LUCENT USE A-ALPHA, B-BETA, G-GAMMA, FOR MOTOROLA REPLACE A WITH X, B WITH Y AND G WITH Z. SEE DETAIL 1 ON SHEET E-2.
- IN TWO-ANTENNA CONFIGURATION WHERE ONE ANTENNA WILL BE DUPLEXED, THE DUPLEXED ANTENNA SHALL BE LABELED AS RECEIVE.
- CONTRACTOR SHALL VERIFY THE EXACT TMA'S (IF THEY ARE REQUIRED) PER THE OPERATIONS MANAGER.
- COAXIAL FEEDER LENGTHS INDICATED ABOVE ARE APPROXIMATE. CONTRACTOR TO VERIFY ACTUAL LENGTH BEFORE ORDERING.
- CONTRACTOR SHALL INSTALL PLATFORM OR MOUNTING BRACKETS AND HARDWARE FOR ALL ANTENNAS AND SHALL BE PER THE TOWER MANUFACTURER'S STANDARD DETAILS OR APPROVED EQUAL.
- CONTRACTOR TO FURNISH AND INSTALL AN EXIT PORT (IF ONE IS NOT EXISTING) IN ACCORDANCE WITH THE TOWER MANUFACTURER'S SPECIFICATIONS AND UPON THE TOWER OWNER'S APPROVAL. (TYP. AT PLATFORM AND AT BOTTOM).

DESCRIPTION	FURNISHED	INSTALLED
ANCHOR BOLTS	TOWER VENDOR	CONTRACTOR
ANTENNA MOUNTS	TOWER VENDOR	CONTRACTOR
ANTENNAS	VERIZON WIRELESS	CONTRACTOR
CABLE LADDER	N/A	N/A
COAX	CONTRACTOR	CONTRACTOR
CONNECTORS	CONTRACTOR	CONTRACTOR
ENTRY PORT BOOTS	CONTRACTOR	CONTRACTOR
GPS ANTENNA	VERIZON WIRELESS	CONTRACTOR
GROUND KITS	CONTRACTOR	CONTRACTOR
HANGER KITS	CONTRACTOR	CONTRACTOR
ICE BRIDGE MATERIAL	CONTRACTOR	CONTRACTOR
JUMPERS	CONTRACTOR	CONTRACTOR
SHELTER/EQUIPMENT	VERIZON WIRELESS	CONTRACTOR
TOWER	VERIZON WIRELESS	CONTRACTOR
TOWER BUS BARS	TOWER VENDOR	CONTRACTOR

EQUIPMENT FURNISHED AND/OR INSTALLED BY:

LOCATIONS OF ANTENNAS AS SHOWN HAVE BEEN APPROVED BY CLIENT AND/OR CLIENT'S RADIO FREQUENCY ENGINEERS. SSC ASSUMES NO RESPONSIBILITY FOR, NOR HAS SSC PERFORMED ANY INVESTIGATIONS OR STUDIES CONCERNING THE COMPLIANCE OR NONCOMPLIANCE OF SAID ANTENNA LOCATIONS WITH ANY FCC RADIO FREQUENCY EXPOSURE REGULATIONS.

CONTRACTOR SHALL OBTAIN A COPY OF VERIZON WIRELESS ENGINEERING SITE DATA FORM FOR ANTENNA INFORMATION.

PLANS PREPARED FOR:

9900 West 109th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777

PLANS PREPARED BY:

STATE OF KANSAS
ENGINEERING LICENSE:
PE CERTIFICATE OF AUTHORIZATION #2187
ENGINEER:
MLO MICHAEL L. OWENS
KANSAS PROFESSIONAL ENGINEER NO. 6250
REV. ROBERT E. WOODRUFF, STRUCTURAL CIVIL, SC
TIMOTHY J. WOODRUFF, ELECTRICAL
SSC ENGINEERING, 1528A ELECTRA DRIVE, OVERLAND PARK, KS 66204

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SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW	12/11/14	RKT	A	
ISSUED FOR LESSOR REVIEW	01/09/15	RKT	B	
FOR LESSOR COMMENTS	01/23/15	RKT	C	

SITE NAME:
WICC 47TH & SENECA

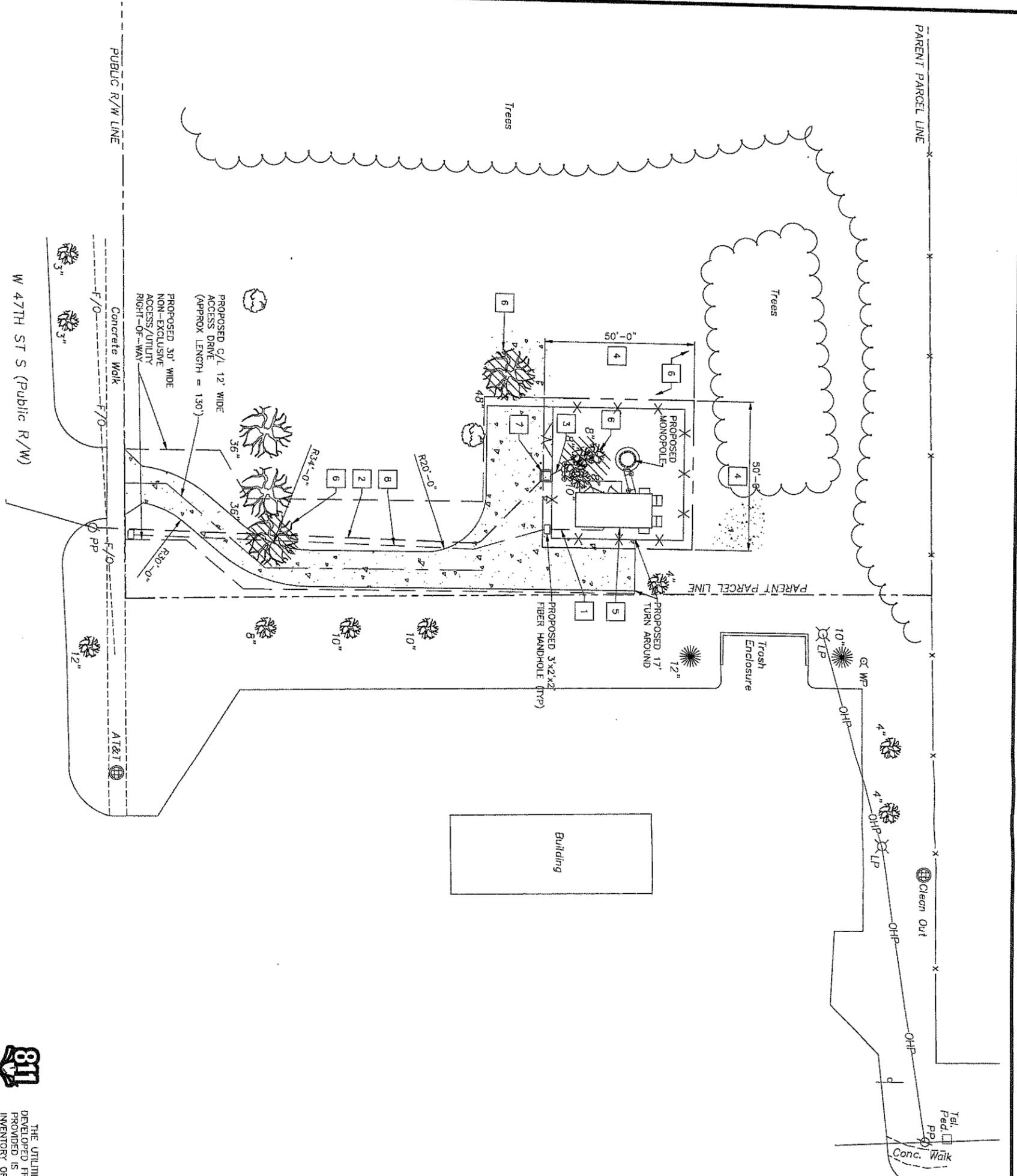
SITE NUMBER:
291562

SITE ADDRESS:
1208 WEST 47TH STREET SOUTH
WICHITA, KANSAS
67217

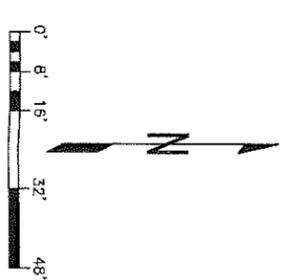
SHEET DESCRIPTION:
TOWER ELEVATION

SSC #:
A-3-1

SHEET NUMBER:
1



- NOTES:
- 1 4" CONDUIT W/(3) 1" INNERCONDUITS FOR FIBER FROM FIBER HANDHOLE TO SHELTER (APPROX LENGTH = 20') PROVIDE FULL LENGTH PULL ROPE IN EACH INNERCONDUIT. (CONTRACTOR SHALL FIELD VERIFY & COORDINATE CONNECTION POINT WITH LOCAL UTILITY)
 - 2 4" CONDUIT FOR UNDERGROUND POWER. (APPROX LENGTH = 160') (CONTRACTOR SHALL FIELD VERIFY & COORDINATE CONNECTION POINT WITH LOCAL UTILITY)
 - 3 (2) 4" CONDUIT FOR POWER. (APPROX LENGTH = 10') (CONTRACTOR SHALL FIELD VERIFY & COORDINATE CONNECTION WITH LOCAL UTILITY)
 - 4 PROPOSED 50'X50' LEASE BOUNDARY WITH 44'X44' FENCED COMPOUND AREA
 - 5 PROPOSED VERIZON WIRELESS EQUIPMENT SHELTER (11'-6" x 25'-5 1/2") (FIBERBOND SHELTER VZ12.16-4M)
 - 6 FOR CLEARING & GRUBBING SEE 1/A-4 GRADING PLAN FOR DETAILS
 - 7 PROPOSED PAD MOUNTED TRANSFORMER (BY UTILITY) (PAD BY CONTRACTOR PER UTILITY STANDARDS)
 - 8 4" CONDUIT W/(3) 1" INNERCONDUITS FOR FIBER FROM R.O.W. TO FIBER HANDHOLE AT FULL LENGTH PULL ROPE IN EACH INNERCONDUIT. (CONTRACTOR SHALL FIELD VERIFY & COORDINATE CONNECTION POINT WITH LOCAL UTILITY)



THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE RESPONSIBILITY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.



OVERALL SITE PLAN

<p>ENGINEERING LICENSE:</p> <p>STATE OF KANSAS</p> <p>PE CERTIFICATE OF AUTHORIZATION 0527</p> <p>ENGINEER:</p> <p>M.D. MICHAEL L. OWENS, P.E.</p> <p>REYNOLDS & REYNOLDS, INC.</p> <p>1208 WEST 47TH STREET SOUTH</p> <p>WICHITA, KANSAS 67217</p> <p>PHONE: 913.438.7700</p> <p>FAX: 913.438.7777</p>	<p>PLANS PREPARED BY:</p> <p>9900 West 103rd Street, Suite 300</p> <p>Overland Park, Kansas 66210</p> <p>Phone: 913.438.7700</p> <p>Fax: 913.438.7777</p>	<p>PRELIMINARY ISSUE</p>	<p>DRAWING NOTICE:</p> <p>THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THE PROJECT ONLY. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SSC, INC. ANY UNAUTHORIZED USE OR REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED. THE BORROWER PROMISES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SSC, INC.</p>	<p>SUBMITTALS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> <th>REV</th> </tr> </thead> <tbody> <tr> <td>ISSUED FOR REVIEW</td> <td>12/11/14</td> <td>RKT</td> <td>A</td> </tr> <tr> <td>ISSUED FOR LESSOR REVIEW</td> <td>01/09/15</td> <td>RKT</td> <td>B</td> </tr> <tr> <td>PER LESSOR COMMENTS</td> <td>01/23/15</td> <td>RKT</td> <td>C</td> </tr> </tbody> </table>	DESCRIPTION	DATE	BY	REV	ISSUED FOR REVIEW	12/11/14	RKT	A	ISSUED FOR LESSOR REVIEW	01/09/15	RKT	B	PER LESSOR COMMENTS	01/23/15	RKT	C	<p>SITE NAME:</p> <p>WICC 47TH & SENECA</p> <p>SITE NUMBER:</p> <p>291562</p> <p>SITE ADDRESS:</p> <p>1208 WEST 47TH STREET SOUTH</p> <p>WICHITA, KANSAS</p> <p>67217</p> <p>SHEET DESCRIPTION:</p> <p>OVERALL SITE PLAN</p> <p>SSC #:</p> <p>SHEET NUMBER:</p> <p>A-1</p>
DESCRIPTION	DATE	BY	REV																		
ISSUED FOR REVIEW	12/11/14	RKT	A																		
ISSUED FOR LESSOR REVIEW	01/09/15	RKT	B																		
PER LESSOR COMMENTS	01/23/15	RKT	C																		

7. Case No.: **CON2015-00015 (DEFERRED TO 7-9-15 MEETING)**
Request: City Conditional Use request for a nightclub on LI Limited Industrial zoned property.
General Location: North side of Central Avenue between Indiana and Cleveland Avenues (1320 E. Central Ave.)
Presenting Planner: Bill Longnecker

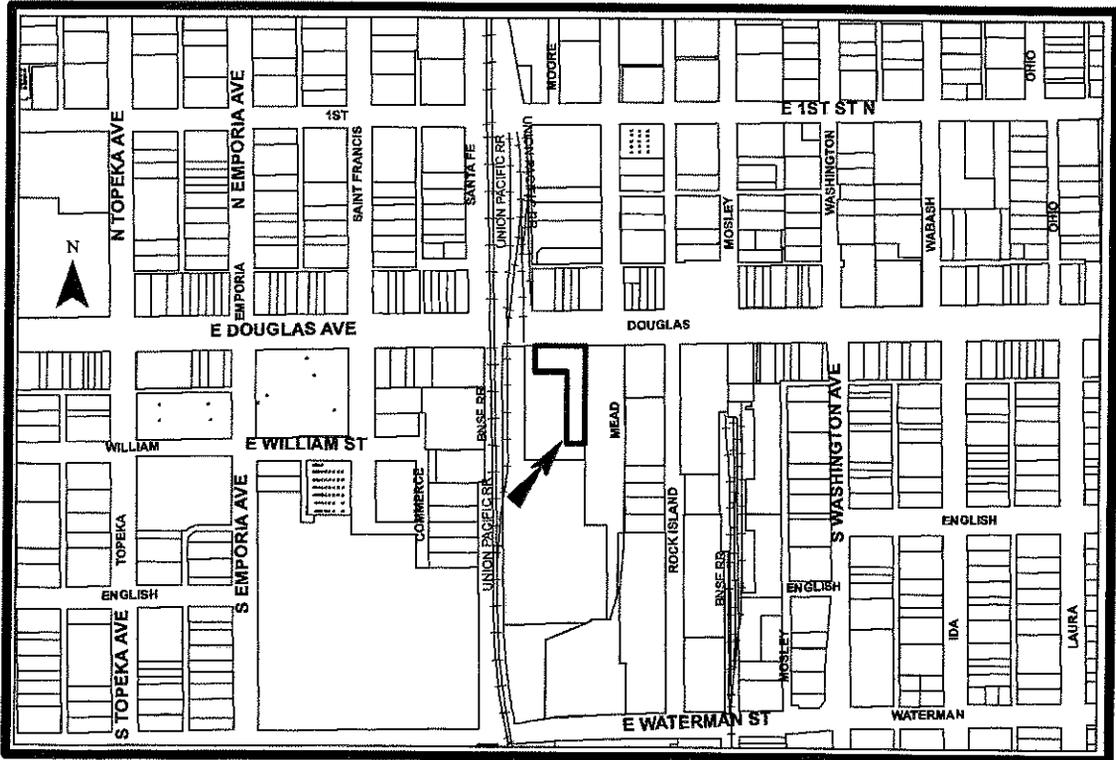


STAFF REPORT

MAPC May 21, 2015

DAB I June 1, 2015

- CASE NUMBER:** CON2015-00017
- APPLICANT/OWNER:** Union Station, LLC, c/o Gary Oborny (applicant/owner)
- REQUEST:** Conditional Use to allow an outdoor night club in the city
- CURRENT ZONING:** CBD Central Business District (CBD)
- SITE SIZE:** Approximately 25,4590-square feet
- LOCATION:** Generally located west of Washington Avenue, on the south side of Douglas Avenue (701 E. Douglas Avenue – WCC #I)
- PROPOSED USE:** An outdoor venue for entertainment, food and alcoholic drinks



BACKGROUND: The Central Business District (CBD) zoned site is located west of Washington Avenue, on the south side of Douglas Avenue and immediately east of the elevated railroad tracks. The proposed outdoor venue for entertainment, food and alcoholic drinks is located and abutting the north and east sides of the iconic Union Station Depot (built 1914). The Union Station Depot managed rail service from 1914-1979 and has been sitting empty since 2007. The Union Station Depot itself is not part of the application, thus the requested outdoor venue is not accessory to a night club located in the Union Station Depot, but a stand-alone primary use. Per the Unified Zoning Code (UZC) Art.II, Sec.II-B.4.l. and Art.II, Sec.II-B.9.b. the proposed use is considered a night club in the city. When a tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a conditional use is required; UZC Art.III, Sec.III-D.6.w. Naftzger Public Park is located approximately 300 feet west of the site.

The area to the south, west and east of the site is zoned CBD, with the exception of the Limited Industrial (LI) zoned railroad easement abutting the west side of the Union Station property. The CBD zoned development around the site include the east abutting, historic Rock Island Depot building which is currently undergoing renovations. The Rock Island Depot was built in 1887 in late Victorian style and is on the National Register of Historic Places. Other developments include Cox Communication facilities, a vacant brick two-story building undergoing renovation (built 1870), the Wichita Eagle newspaper building, offices, bars, apartments, parking, restaurants, a park and retail. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located two-blocks southwest of the site. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large venue. The vacant brick four-story Spaghetti Warehouse building (built 1894) is located midway between the site and Intrust Bank Arena.

The LI zoned Old Town Overlay District (OT-O) is located north of the site, across Douglas Avenue. The OT-O district is a unique planned entertainment area containing restaurants, nightclubs, a multi-screen movie theater, hotels, apartments and retail. The site's close proximity to the Intrust Bank Arena and the OT-O district places it close to similar venues.

CASE HISTORY: The site is located on a portion of Lot 1, Union Station Addition, which was recorded with the Register of Deeds March 2, 1982.

ADJACENT ZONING AND LAND USE:

- NORTH: LI-OT-O Apartments, parking lots, offices, nightclubs, retail, multi-screen movie theater
- SOUTH: CBD Offices, parking
- EAST: CBD Buildings undergoing renovations, newspaper publishing facility, restaurant, bar
- WEST: CBD Parking lot, public park, vacant buildings, coffee shop, restaurants, office, law office, retail, night clubs, apartments

PUBLIC SERVICES: The site has access off of Douglas Avenue, a four-lane arterial street with a center turn lane at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The purpose of the CBD Central Business District is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD District is generally compatible with the ‘Downtown Regional Center’ designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. There is no minimum parking requirement for the CBD zoning district.

The UZC requires a Conditional Use for a nightclub or a drinking establishment/tavern when there are located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Naftzger Public Park is located approximately 300 feet west of the site, thus the Conditional Use request.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a microbrewery with a tavern/drinking establishment/nightclub be **APPROVED**, with the following conditions:

- (1) The site will developed with an approved revised site plan, showing, but not limited to, barriers to prevent persons from leaving the premises with open bottles and to make sure everyone stays on the premises. The outdoor venue shall be subject to Art.III, Sec.III-D.6.w of the UZC. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (2) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The area to the south, west and east of the CBD zoned site is zoned CBD, with the exception of the LI zoned railroad easement abutting the west side of the Union Station property. The CBD zoned development around the site include the east abutting, historic Rock Island Depot building which is currently undergoing renovations. The Rock Island Depot was built in 1887 in late Victorian style and is on the National Register of Historic Places. Other developments include Cox Communication facilities, a vacant brick two-story building undergoing renovation (built 1870), the Wichita Eagle newspaper building, offices, bars,

apartments, parking, restaurants, a park and retail. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located two-blocks southwest of the site. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large venue. The vacant brick four-story Spaghetti Warehouse building (built 1894) is located midway between the site and Intrust Bank Arena.

The LI zoned Old Town Overlay District (OT-O) is located north of the site, across Douglas Avenue. The OT-O district is a unique planned entertainment area containing restaurants, nightclubs, a multi-screen movie theater, hotels, apartments and retail. The site's close proximity to the Intrust Bank Arena and the OT-O district places close to similar venues.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned the CBD, which is meant to accommodate a mix of residential, retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. Approval of a conditional use would permit the site to become an outdoor nightclub. The request does not introduce a new drinking establishment and/or nightclub (facilities) in the area, however none of the existing facilities function as an outdoor nightclub, which is a new concept for this area and maybe the city. The site could be used for multiple developments as permitted by right in the CBD zoning district.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern/drinking establishment/nightclub include bad behavior resulting from unlimited liquor sales, the noise from music and dancing, and the hours of the nightclub having a detrimental impact on the neighborhood. The site is located within the City's core high energy entertainment area, where similar development already exists. Denial of the request could have a negative financial impact on the applicants.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The purpose of the CBD Central Business District is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD District is generally compatible with the 'Downtown Regional Center' designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero Lot Setbacks, shared Parking, public streetscapes as landscaping and urban design elements and mixed uses within a Building. There is no minimum parking requirement for the CBD zoning district.

The UZC requires a Conditional Use for a nightclub or a drinking establishment/tavern when there are located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district. Naftzger Public Park is located

approximately 300 feet west of the site, thus the conditional use request.

- (1) **Impact of the proposed development on community facilities:** It is possible that approval of this request could result in an increased demand for police services.

CONS 2015-17



View of Plaza

SPAIN GARDNER PARTNERS LLC
ARCHITECTS

WICHITA UNION STATION



Occidental
ARCHITECTS
1000 N. W. 10th St., Suite 1000
Fort Lauderdale, FL 33304
TEL: 954.575.1100

SEP 14 2016

CON 2015-17



AERIAL VIEW OF PLAZA

AUG 18, 2014

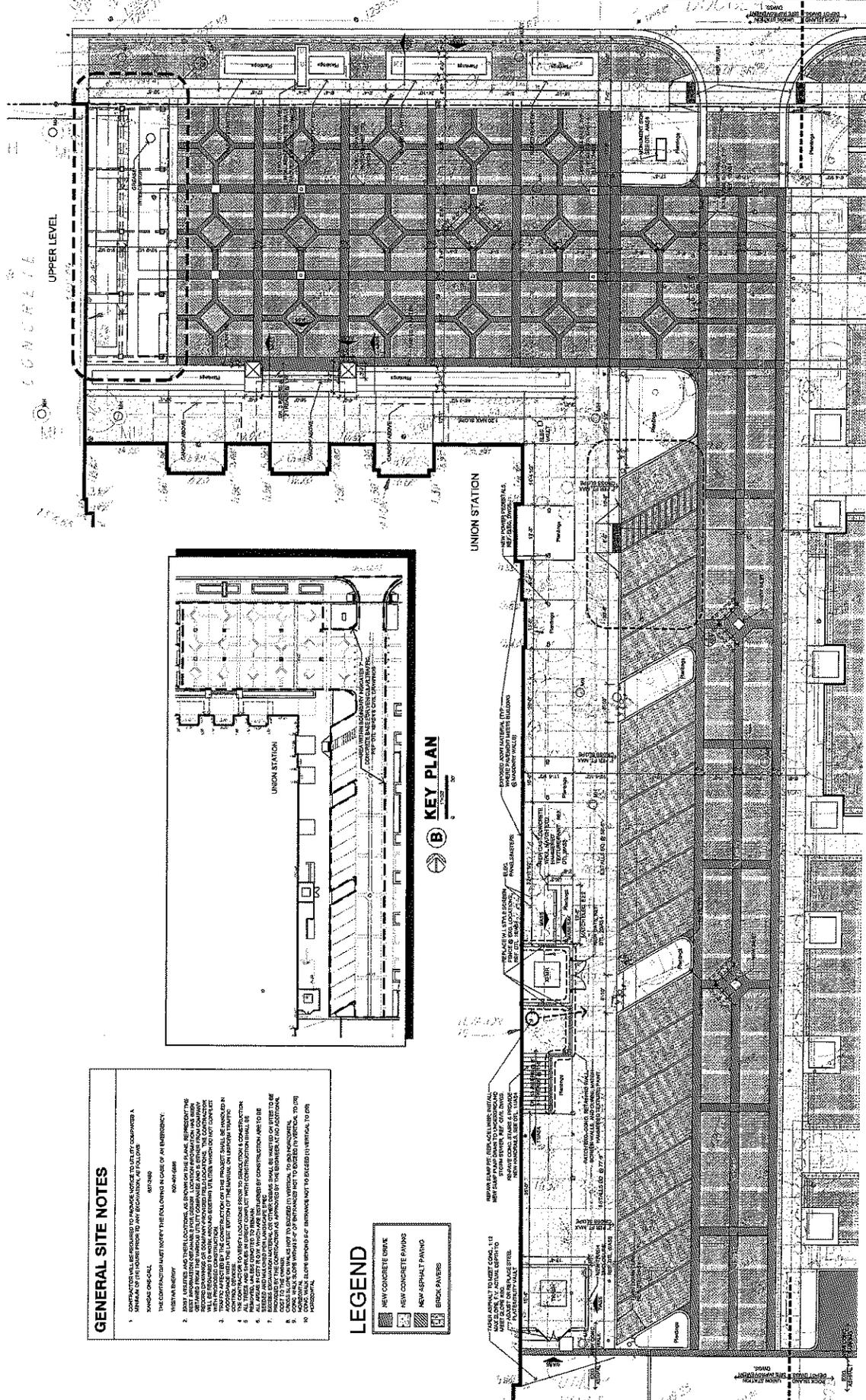


Occidental
MANAGEMENT
 WICHITA KANSAS TAKE FLIGHT
 REAL ESTATE DEVELOPMENT

SPANGENBERG PHILLIPS TICE
 ARCHITECTURE

WICHITA UNION STATION

CON2015-17



GENERAL SITE NOTES

- CONTRACTOR WILL BE REQUIRED TO PROVIDE NOTICE TO UTILITY COMPANIES A MINIMUM 48 HOURS PRIOR TO ANY EXCAVATION, AS FOLLOWS:
 604-467-6888
 THE CONTRACTOR MUST TICKET THE FOLLOWING IN CASE OF AN EMERGENCY:
 604-467-6888
- EXISTING UTILITIES SHALL BE PROTECTED AS NECESSARY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION AND DATA FROM THE CITY OF WICHITA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION AND DATA FROM THE CITY OF WICHITA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION AND DATA FROM THE CITY OF WICHITA.
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LEGEND

[Symbol]	NEW CONCRETE DRIVE
[Symbol]	NEW CONCRETE PAVING
[Symbol]	NEW ASPHALT PAVING
[Symbol]	BRICK PAVING

STAFF REPORT
MAPC 5-21-2015

CASE NUMBER: CON2015-00018

APPLICANT/AGENT: Brian and Allyson McClure

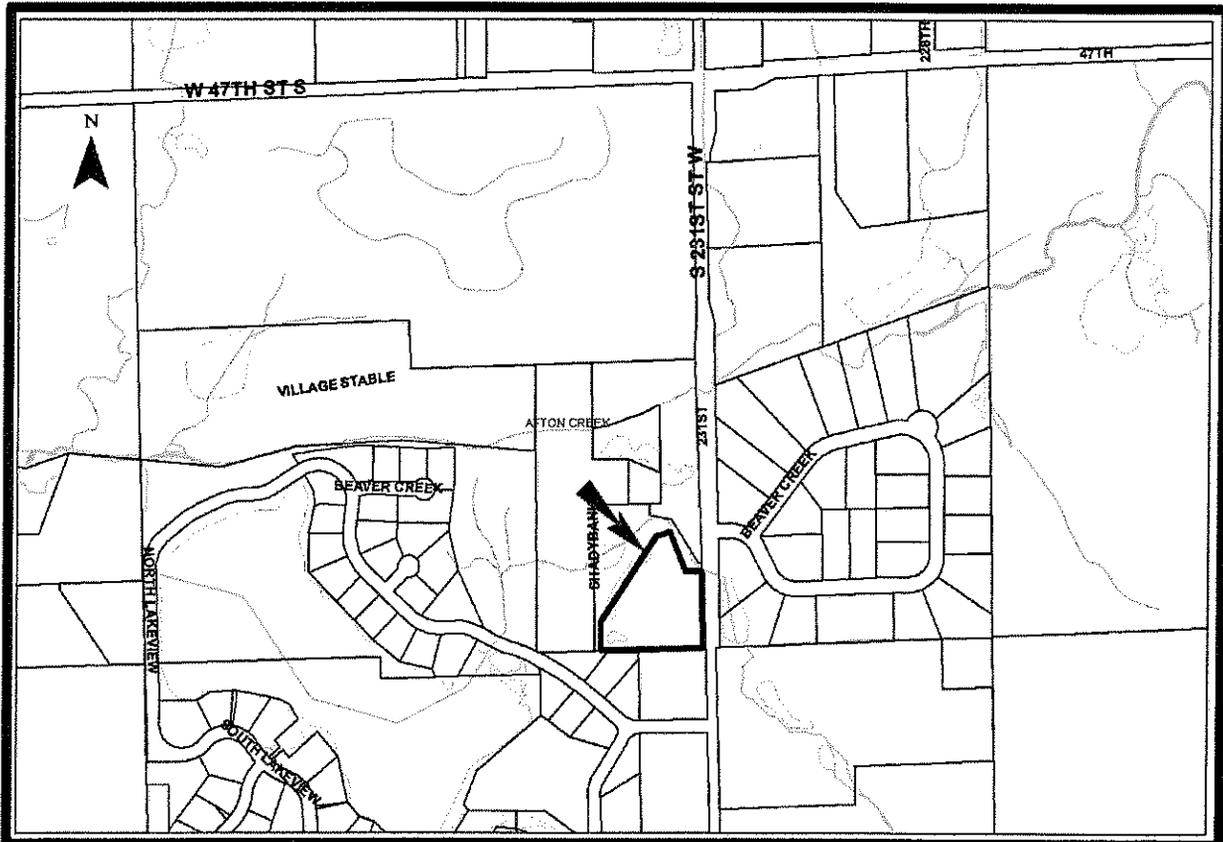
REQUEST: Conditional Use to permit an accessory apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: 4.11 acres

LOCATION: 4 Shadybanks Street (west of South 231st Street West approximately one-half mile south of West 47th Street South)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant requests a Conditional Use for an “accessory apartment” on 4.11 unplatted acres zoned Rural Residential (RR). The site is located south of Shadybanks Street, west of South 231st Street West and approximately one-half mile south of West 47th Street South (4 Shadybanks Street). The property is currently developed with a single-family residence and a shop/garage on 4.11 acres. The applicant proposes to convert the existing shop/garage, shown in the southeastern corner of the applicant’s site plan, to an accessory apartment. Access to the site is via South 231st Street West to Shadybanks Street. A driveway extends south from Shadybanks Street to serve the principal and accessory structures. The existing shop/garage has three parking spaces located inside of the existing shop/garage. The principal structure located on the site is a site-built brick and wood home. The exterior of the existing shop/garage has the same wooden siding and is painted the same color as is found on the principal structure. The site utilizes on-site septic system and water well. The application area has an existing hedgerow located on the eastern, southern and western property lines.

The applicant’s site plan is attached. The existing shop/garage is located approximately 12 feet west of the western right-of-way of West 231st Street South, and is approximately 20 feet from the southern property line.

All properties abutting or adjoining the application area are zoned RR. The land located immediately north and west of the site is unplatted and contains a number of large-lot residences. Property located immediately south of the proposed accessory apartment is an unplatted 2.3-acre tract that contains a single-family residence. Southwest of the proposed accessory apartment are a number of platted (Miles Country Club Estates Addition) large-lot single-family residences. Land located east of the site, across South 231st Street West, is also developed with a number of platted (Miles Country Club Estates 3rd Addition) large-lot residences.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Article II, Section 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 also subject to supplementary use regulation Article III, Section 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.

The RR zoning district property development standards call for a minimum rear setback of 25 feet for principal structures; however, accessory structure rear building setback (Sec. III-D.7.e(1)) shall be at least ten feet from the centerline of any platted or dedicated alley, and if no alley exists, then five feet from the rear lot line. Accessory structures may not utilize more than one-half of any required rear yard, and shall not exceed 60 percent of the allowable height limit for the zoning district unless the accessory structure conforms to principal structure setback requirements. The RR district has a 20-foot interior and street side yard setback requirement; accessory structures may be located within three feet of a side lot line if located on the rear half of the property. The front yard setback is 30 feet. The UZC parking standards require one off-street parking space per single-family residence and one per accessory apartment. The fire department requires a 20-foot wide rock or paved driveway; however, there is no requirement that the parking space be next to the apartment or that there be a driveway to the proposed apartment.

CASE HISTORY: The RR zoning was applied in 1985 when the county adopted county-wide zoning.

ADJACENT ZONING AND LAND USE:

North: RR; large-lot single-family residences
South: RR; large-lot single-family residences
East: RR; street right-of-way, large-lot single-family residences
West: RR; large-lot single-family residences

PUBLIC SERVICES: The site utilizes on-site water and sanitary sewer services. South 231st Street West is a paved two-lane road with 80 feet of full-width right-of-way. Shadybanks Street is unpaved.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts this site as a rural area. Rural areas are land located outside of urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

RECOMMENDATION: The surrounding area is overwhelmingly rural with large-lot single-family residences or farmland/farmsteads. Based on 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 single-family accessory apartment on the site. 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: local zoning, including Article III, Section III-D.6.a(1) and (3); building, fire, sanitation and utility regulations or codes.
2. The applicant shall submit a revised site plan that includes legible dimension control. The applicant shall also submit a photograph or elevation drawing of the façade of the approved accessory apartment. The appearance of the accessory apartment shall be maintained in substantial compliance with that approved by the planning commission or governing body. Modifications to the accessory apartment may be made with the concurrence of the Zoning Administrator provided the improvements are consistent with the spirit and intent of the accessory apartment regulations.
3. 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: All properties abutting or adjoining the application area are zoned RR. The land located immediately north and west of the site is unplatted and contains a number of large-lot residences. Property located to the south of the site contains a number of platted large-lot single-family residences. Land located east of the site, across South 231st Street West, is also developed with a number of platted large-lot residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR that primarily permits large-lot single-family residences and agriculture. The site could continue to be used as a single-family residential site and have economic value without approval of the application.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions of approval should minimize anticipated impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would presumably represent a hardship upon the property owner with respect to providing additional housing on the property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as a rural area. Rural areas are land located outside of urban growth areas and permits uses that are 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 5-21-2015

AGENDA ITEM NO. 10

CASE NUMBER: DER2015-00004

APPLICANT/AGENT: Board of County Commissioners / Metropolitan Area Planning Department

REQUEST: Amendment to Article II, Section II-B.2.f of the Wichita-Sedgwick County Unified Zoning Code to indicate that there a City of Wichita Board of Zoning Appeals and a Sedgwick County Board of Zoning Appeals

CURRENT ZONING: N/A

SITE SIZE: N/A

LOCATION: County-wide

PROPOSED USE: N/A

BACKGROUND: Kansas Statute (K.S.A.) 12-759 et seq. states that any governing body which has enacted a zoning ordinance or resolution shall create a board of zoning appeals (BZA). The Wichita-Sedgwick Unified Zoning Code (UZC), Article VI, Section VI-E, authorizes the BZA to hear “variances” and “appeals of zoning administrator’s interpretations.” Variances are requests that allow for deviation from the basic development standards specified by the zoning code, such as, a reduction in minimum building setback, lot area or maximum building height. Variances may be granted by the BZA only when certain circumstances are found to be present. An appeal is a request by an aggrieved party for the BZA to review a decision or interpretation made by the zoning administrator, such as, if an unregistered use, structure or lot is nonconforming or illegal.

The City of Wichita adopted a zoning code in 1923. In 1985, Sedgwick County adopted a zoning code for the unincorporated portions of Sedgwick County. Up until January of 2013 the two jurisdictions had separate BZAs. The two BZAs has separate membership, bylaws and meeting schedules. The City Council appointed seven individuals to serve on the City’s BZA. The Board of County Commissioners appointed five individuals to serve on the County’s BZA. In January of 2013, the two BZAs were combined into one joint board known as the Wichita-Sedgwick County Board of Zoning Appeals. Currently, the unified BZA has a membership of 14 individuals, seven individuals appointed by the City Council and seven by the Board of County Commissioners. On April 1, 2015, the Board of County Commission directed staff take the necessary steps to dissolve the unified BZA and re-establish an independent Sedgwick County BZA.

From a zoning code standpoint, the required step is an amendment to Article II, Section II-B.2.f of the UZC changing the current zoning code’s definition of the Board of Zoning Appeals to reflect two distinct BZAs. Currently the UZC defines the “board of zoning appeals” as “the Wichita-Sedgwick County Board of Zoning Appeals.” The proposed amendment would modify Article II, Section II-B.2.f to read

“Board of Zoning Appeals means the board or boards appointed by the governing body of the City or the County.”

CONFORMANCE TO PLANS/POLICIES: As noted above, state law requires the establishment of a board of zoning appeals if the jurisdiction has enacted a zoning ordinance or resolution. The City of Wichita and Sedgwick County have adopted a zoning code, triggering a requirement that the two jurisdictions have either a unified board of zoning appeals or two separate boards.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the Metropolitan Area Planning Commission approve the requested change, the “Board of Zoning Appeals means the board or boards appointed by the governing body of the City or the County.” Approval of the request will comply with the Board of County Commissioner’s earlier action to direct staff to establish a separate Sedgwick County Board of Zoning Appeals; complies with state law requirements for the establishment of a board of zoning appeals if a zoning code has been adopted and will not detrimentally impact the delivery of variance or appeals services to county property owners.

ARTICLE II RULES OF CONSTRUCTION AND DEFINITIONS

1. Letter "B"

- a. **Bank or Financial Institution** means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. Bank or Financial Institution also includes ATMs.
- b. **Bar** See Tavern and Drinking Establishment.
- c. **Basement** means a portion of a Building that is wholly or partly below grade, the ceiling of which is less than four feet above grade.
- d. **Basic Industry** means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing processes that involve or have the potential to involve commonly recognized offensive conditions. Typical uses include fat rendering plants; poultry and rabbit dressing; pulp processing and paper products manufacturing; stockyards; slaughterhouses; steel works; tanneries; acid manufacture; cement, lime, gypsum, or plaster of paris manufacture; distillation of bones; fertilizer manufacture; garbage, offal or dead animals incineration, reduction or dumping; glue manufacture; gas manufacture; and petroleum refineries.
- e. **Bed and Breakfast Inn** means the use of an owner-occupied or manager-occupied residential Structure to provide rooms for temporary lodging or lodging and meals for not more than 15 Transient Guests on a paying basis. See Transient Guest.
- f. **Board of Zoning Appeals** ~~means, in matters involving the City of Wichita, the Wichita Board of Zoning Appeals, and, in matters involving Sedgwick County, the Sedgwick County Board of Zoning Appeals.~~ Board of Zoning Appeals means the board or boards appointed by the governing body of the City or the County.
- g. **Broadcasting or Recording Studio** means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film or sound recording studios.
- h. **Building** means a Structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals or chattels. When separated by division walls from the ground up without openings, each portion of such Building shall be considered a separate Building with separate occupancy requirements.

Sec II-Error! No text of specified style in document., Error! No text of specified style in document.

- i. **Building, Main** means the Building on a Lot in which the Principal Use of the Lot is conducted.
- j. **Buildings, Unit Group of** means two or more Buildings (other than Dwelling Units) grouped upon a lot and held under one ownership.
- k. **Building Code** means those regulations of Title 18 Building Code of the Code of the City of Wichita or Chapter 6 of the Sedgwick County Code.
- l. **Building Line or Building Setback Line** means the exterior face of a wall of an existing Structure or the limits to which an exterior face of a wall of a proposed Structure may be built, but shall not include the face of one Story unoccupied gable roofed areas over open Porches, entrances or like appendages.
- m. **Building Permit** means any permit required to be obtained pursuant to the Code of the City of Wichita or the Sedgwick County Code to construct, enlarge, alter, repair, move, demolish or change the occupancy of a Building or Structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system or to cause any such work to be done for which a permit is required pursuant to the City or County Codes.

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

DATE: May 21, 2015
TO: Metropolitan Area Planning Commission
FROM: Scott Knebel, AICP, Advanced Plans Division
SUBJECT: Letter of Support for TIGER Grant Application

Background: The City of Wichita is partnering with Wichita State University to construct the transportation infrastructure needed to support the new Innovation Campus. The 120-acre Innovation Campus will bring over 5,700 new employees and over 2.7 million square feet of new development to the former Braeburn Golf Course.

To support this new development, almost \$29 million in transportation infrastructure is needed. The City of Wichita is submitting a grant application to the U.S. Department of Transportation for almost \$18.9 million in federal funding from the Transportation Investments Generating Economic Recovery (TIGER) grant program. The grant will fund 65% of the cost of multi-modal transportation connections for the new Wichita State Innovation Campus. The remaining 35% (\$10 million) will be funded by the City of Wichita Capital Improvement Program.

TIGER funds will be used to construct complete street projects along Oliver Avenue and 17th Street North adjacent to the Innovation Campus. A new bus route will be added to connect the Innovation campus to Wichita State’s new Old Town Campus as well as to major employment and shopping centers and park and ride locations. A transit hub will be constructed on campus that includes bike share. Bicycle and pedestrian improvements will be constructed to connect the Innovation Campus to the existing pathway system. The budget for the project is summarized in the table below.

Project Component	Cost
Oliver Avenue Complete Street	\$12,250,000
17 th Street North Complete Street	\$6,500,000
9 40-foot Diesel Busses	\$4,068,000
28 Level 1 Transit Stops	\$1,512,000
17 Level 2 Transit Stops	\$1,330,000
Campus Transit Hub	\$2,000,000
8 Campus Bike Share Stations	\$400,000
Bike-Ped Connections to Existing Pathway System	\$785,000
	<u>\$28,845,000</u>

Letters of support are critical to a successful TIGER grant application. The attached letter of support from the Wichita-Sedgwick County Metropolitan Area Planning Commission indicates support for the grant application based on consistency with the draft comprehensive plan.

Recommended Action: Approve the attached letter of support and authorize the chair to sign.

Attachments: Letter of Support



Wichita-Sedgwick County Metropolitan Area Planning Department

May 21, 2015

Anthony R. Foxx, Secretary
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

RE: Letter of Support for the City of Wichita's FY 2015 TIGER Discretionary Grant Application

Dear Mr. Foxx:

The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) enthusiastically supports the City of Wichita's FY 2015 TIGER Discretionary Grant Application.

The MAPC has spent the past several years developing a new comprehensive plan for Wichita and Sedgwick County entitled the Community Investments Plan. The draft Community Investments Plan is going through a final round community outreach, with adoption by the MAPC scheduled for August.

The Community Investments Plan recognizes the critical importance of the Wichita State University Innovation Campus to the growth and development of the community. The plan includes a Wichita Urban Infill Strategy that focuses on "areas of opportunity" like the neighborhoods around Wichita State and along the new bus route proposed by the TIGER grant. The infill strategy will use innovative new land use approaches and targeted infrastructure investments to promote mixed-use infill development supported a robust community engagement process.

The City of Wichita's TIGER grant application is directly aligned with the vision, core community values, and guiding principles espoused by the Community Investments Plan. The MAPC is honored to provide its support and encourages you fund this exciting multi-modal transportation project that will foster growth and development of our community in innovative ways.

Sincerely,

Matt Goolsby, Chair
Wichita-Sedgwick County
Metropolitan Area Planning Commission

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

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