

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

**MINUTES**

**May 21, 2015**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, May 21, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby; Chair; Carol Neugent, Vice Chair; John Dailey; David Dennis; David Foster; Bill Johnson; Don Klausmeyer; John McKay Jr.; Bill Ramsey; Lowell E. Richardson; and Chuck Warren. Joe Johnson and Debra Miller Stevens 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.

1. Approval of the April 16, 2015 Planning Commission minutes.

**MOTION:** To approve the April 16, 2015 Planning Commission minutes.

MCKAY moved, B. JOHNSON seconded the motion, and it carried (9-3). GOOLSBY, MITCHELL and WARREN – Abstained.

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2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

NOTE: This is a replat of a portion of the Eastridge 5<sup>th</sup> 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 5<sup>th</sup> Addition” to “West line, Lot 1, Block 2, Eastridge 5<sup>th</sup> 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 5<sup>th</sup> Addition.
- 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](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto: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.
- 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](mailto: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](mailto:kwilson@wichita.gov)).

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

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

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**PUBLIC HEARING – VACATION ITEMS**

There were no vacation items.

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**PUBLIC HEARINGS**

3. **Case No.: ZON2015-00017** – Alan D. Lefors & Linda Turley and Fugate Enterprises (applicants), Mark Savoy (agent) request a City zone change from SF-5 Single-family Residential to LC Limited Commercial on property described as:

That part of the East 10 Acres of the N1/2 of the NE1/4 of Sec. 32, Twp. 27-S, R-2-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as beginning at a point in the East line of said NE1/4, 630 feet North of the S.E. Corner of the N1/2 of said NE1/4; thence West, parallel with the South line of said N1/2, 330 feet more or less to the West line of said East 10 Acres; thence North, along the West line of said East 10 Acres, 92.06 feet more or less to a point 600 feet South of the North line of said NE1/4; thence East, parallel with the North line of said NE1/4, 330 feet more or less to the East line of said NE1/4; thence South, along the East line of said NE1/4, 97.74 feet more or less to the Point of beginning, except the East 60 feet thereof.

**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.

**KATHY MORGAN**, Planning Staff presented the Staff Report.

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

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

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4. **Case No.: ZON2015-00018** – The Finn Lofts, LLC and Kansas and Oklahoma Railroad, LLC (applicants/owners) request a City zone change request from LI Limited Industrial to CBD Central Business District on property described as:

A tract of land in the Southwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of Lot 78 on vacated Santa Fe Ave., (platted as Fifth Ave.), N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas; thence S89°59'35"E (assumed basis of bearings) along the easterly extension of the north line of said Lot 78, 30.00 feet to a point on the east line of said vacated Santa Fe Ave., and for a point of beginning; thence continuing S89°59'35"E along the easterly extension of the north line of said Lot 78, 19.06 feet; thence S09°34'05"E, 237.20 feet to the point of curvature of a tangent curve to the right; thence southerly along said curve, having a central angle of 09°36'35" and a radius of 617.25 feet, an arc distance of 103.53 feet, (having a chord length of 103.41 feet bearing S04°45'47"E), to the point of tangency of said curve; thence S00°02'30"W, 14.58 feet to the point of curvature of a tangent curve to the right; thence southerly along said curve, having a central angle of 06°50'19" and a radius of 607.50 feet, an arc distance of 72.51 feet, (having a chord length of 72.46 feet bearing S03°27'40"W), to the point of tangency of said curve; thence S06°52'49"W, 91.32 feet to the point of curvature of a tangent curve to the left; thence southerly along said curve, having a central angle of 06°48'59" and a radius of 556.50 feet, an arc distance of 66.21 feet, (having a chord length of 66.17 feet bearing S03°28'19"W), to the point of tangency of said curve; thence S00°03'50"W, 227.15 feet; thence N89°57'58"W, 46.58 feet to a point on the east line of Lot 14, Fletcher's 2nd Addition to Wichita, Sedgwick County, Kansas; thence N00°02'02"E along the east line of said Lot 14 and Lots 13, 12, and 11 in said Fletcher's 2nd Addition, 78.66 feet to the northeast corner of said Lot 11; thence N89°49'38"W along the north line of said Lot 11, 13.50 feet; thence N00°02'02"E parallel with the east line of Lots 10, 9, 8, 7, 6, 5, 4, and 3 in said Fletcher's 2nd Addition, 200.00 feet to a point on the north line of said Lot 3; thence S89°49'38"E along the north line of said Lot 3, 13.50 feet to the northeast corner of said Lot 3, said northeast corner also being the southeast corner of Lot 2 in said Fletcher's 2nd Addition;

thence N00°02'02"E along the east line of said Lot 2 and Lot 1 in said Fletcher's 2nd Addition, 56.30 feet, more or less, to the northeast corner of said Lot 1; thence N89°49'38"W along the north line of said Lot 1, 2.28 feet to the intersection with the southerly extension of the east line of said vacated Santa Fe Ave.; thence N00°08'41"E along the extended east line of said vacated Santa Fe Ave., 472.72 feet, more or less, to the point of beginning; TOGETHER WITH a tract of land in the Southwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of Lot 78 on vacated Santa Fe Ave., (platted as Fifth Ave.), N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas; thence S89°59'35"E (assumed basis of bearings) along the easterly extension of the north line of said Lot 78, 30.00 feet to a point on the east line of said vacated Santa Fe Ave., said point also being the northwest corner of a tract of land described and conveyed in the Quitclaim Deed recorded in DOC.#/FLM-PG: 29358323; thence continuing S89°59'35"E along the easterly extension of the north line of said Lot 78, (and along the north line of said tract of land), 19.06 feet to the northeast corner of said tract of land, and for a point of beginning; thence continuing S89°59'35"E along the easterly extension of the north line of said Lot 78, (and along the easterly extension of the north line of said tract of land), 34.48 feet; thence S09°34'05"E parallel with the east line of said tract of land, 58.00 feet; thence S80°25'55"W, 34.00 feet to a point on the east line of said tract of land; thence N09°34'05"W along the east line of said tract of land, 63.74 feet to the point of beginning, and TOGETHER WITH that part of the Condemnation recorded in Misc. Book A, Page 408 which lies in the East Half of the Southwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing where the west line of the W. & S.W. Ry. right-of-way intersects the south line of the East Half of said Southwest Quarter; thence westerly along the south line of the East Half of said Southwest Quarter, 2.65 feet for a point of beginning; thence northerly parallel with the west line of said W. & S.W. Ry. right-of-way, 146.00 feet, more or less, to the intersection with the easterly extension of the south line of Lot 39, Fletcher's Addition to Wichita, Kansas; thence westerly along said extended south line, 28.35 feet; thence southwesterly, 35.00 feet normally distant westerly of the centerline of the W. & W. Ry. to a point on the south line of the East Half of said Southwest Quarter; thence easterly along the south line of the East Half of said Southwest Quarter to the point of beginning, all being subject to that part of the above described tract condemned for additional right-of-way designated as Tract 23 in Condemnation Case No. A-33119, Div. No. 2 recorded in Misc. Book 263, Page 321.

**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.

**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 (12-0).

- 5. **Case No.: CON2015-00005** – TDFW, LLC (owner) Verizon Wireless c/o Marion S. Crable (applicant) Selective Site Consultants, Inc., c/o Justin Anderson (agent) request a City Conditional Use request for a wireless communication facility with a 100-foot monopole on LC Limited Commercial zoned property described as:

COMMENCING at the Southeast corner of said Section 18 (Found 3/4" Bar); thence along the South line of said Southeast Quarter, South 88 degrees 55' 21" West, a distance of 319.46 feet; thence leaving said South line North 00 degrees 00' 00" East, a distance of 170.67 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 00' 00" East, a distance of 20.00 feet; thence North 90 degrees 00' 00" East, a distance of 75.00 feet; thence North 00 degrees 00' 00" West, a distance of 31.00 feet; thence South 90 degrees 00' 00" East, a distance of 15.00 feet; thence South 00 degrees 00' 00" East, a distance of 130.73 feet; thence South 39 degrees 44' 52" West, a distance of 24.90 feet; thence South 00 degrees 06' 44" East, a distance of 20.39 feet to the North Right of Way line West 47<sup>th</sup> South as it presently exists; thence along said Right of Way line, South 88 degrees 55' 21" West, a distance of 30.02 feet; thence leaving said Right of Way line, North 00 degrees 00' 00" East, a distance of 31.83 feet; thence North 39 degrees 44' 52" East, a distance of 24.87 feet; thence North 00 degrees 00' 00" East, a distance of 68.88 feet; thence North 90 degrees 00' 00" west, a distance of 60.00 feet to the POINT OF BEGINNING.

**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 47<sup>th</sup> Street South and 185 feet west of Seneca Street. The site has access onto 47<sup>th</sup> 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 47<sup>th</sup> 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 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 – 47<sup>th</sup> 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 47<sup>th</sup> 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 47<sup>th</sup> 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 47<sup>th</sup> 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 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 47<sup>th</sup> 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 47<sup>th</sup> 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 47<sup>th</sup> 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.

**BILL LONGNECKER**, Planning Staff presented the Staff Report.

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

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

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6. **Case No.: CON2015-00015** - Armando Michael (applicant) and Ted Knopp (agent) request a City Conditional Use request for a nightclub on LI Limited Industrial zoned property described as:

2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 32, 34 and 36, on Cleveland Avenue, Corwin's Addition to Wichita, Sedgwick County, Kansas.

**CHAIR GOOLSBY** reported that the item was deferred to the July 9, 2015 Planning Commission meeting.

7. **Case No.: CON2015-00017** – Union Station, LLC, c/o Gary Oberney (applicant/owner) request a City Conditional Use request for an outdoor venue for entertainment, food and alcoholic drinks on CBD Central Business District zoned property described as:

That part of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner of Lot 3 in said addition; thence S89°56'00"W along the north line of said addition, 421.86 feet to the place of beginning; thence N89°56'00"E along said north line, 143.87 feet; thence S00°05'00"E, 65.89 feet; thence S62°08'27"W, 15.54 feet; thence S00°05'00"E, 235.39 feet; thence S90°00'00"W, 25.90 feet; thence N00°05'00"W, 32.23 feet; thence N89°55'00"E, 11.00 feet; thence N00°05'00"W, 28.00 feet; thence S89°55'00"W, 11.00 feet; thence N00°05'00"W, 169.79 feet; thence S89°56'00"W, 104.22 feet; thence N00°05'00"W, 78.47 feet to the place of beginning, containing 16,817 square feet, more or less.

**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 nightclub located in the Union Station Depot, but a stand-alone primary use. Per the Unified Zoning Code (UZC) Art.II, Sec.II-B.4.i. and Art.II, Sec.II-B.9.b. the proposed use is considered a nightclub 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, nightclubs, 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.

- (5) **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.

**BILL LONGNECKER**, Planning Staff presented the Staff Report. He referred to a handout regarding the Wichita Police Department’s concerns about safety at the site. He said staff met with representatives from the WPD prior to the meeting.

**DENNIS** clarified that the 300 feet was correct.

**LONGNECKER** indicated that was correct. He clarified that if the site was outside of the 300 feet and the use was permitted by right, the applicant would not have to apply for a conditional use. He said this was not a new use being introduced into the area and referenced a case recently approved by the Commission within 190 feet of Naftzger Park.

**DAILEY** asked for clarification of where the service will take place. He also asked if the venue would be open every day, open to public or invited groups only.

**LONGNECKER** replied the venue would be open to the public.

**GARY OBORNEY, APPLICANT, UNION STATION, LLC, 13824 PINNACLE DRIVE** said he was managing partner of the developers of the Union Station Project who have submitted the application for a conditional use permit. He said he believed Mr. Longnecker did a good job explaining what they intend to do at the site so he would stand for any questions.

**DAILEY** asked if this area would be open every night weather is permissible.

**OBORNEY** indicated it would be weather permitted location. He added that this was a public access area as defined within the Tax Increment Financing (TIF) District. He indicated where vendors in kiosks would be located. He said there are four kiosk areas where someone might get a burger or taco

and beer. He also indicated they would like to host various community and special events with entertainment. He said this will also be open for the community to utilize throughout the year. He said they would like to be able to serve alcoholic beverages along with other items at the location.

**DAILEY** asked about Riverfestival and clarified that people can't leave the area with a drink. He asked how that was going to be controlled.

**OBORNEY** indicated there were several security formats including working with WPD, working with WPD for private security staff and working with the Old Town Association to organize and staff events. He said they understand the concerns about security in Old Town.

**DAILEY** verified that the vendors were independent.

**OBORNEY** said that was correct and it would be the vendors responsibility to file any permits or licenses required to operate.

**DAILEY** asked if the WPD representatives at the meeting would like to speak.

**GAVIN SEILER, INTERIM DEPUTY CHIEF, WICHITA POLICE DEPARTMENT** said he would stand for any questions. He indicated that they had some concerns regarding how the venue would be run and they got their questions answered at the meeting prior to this meeting.

**RICHARDSON** asked if the WPD typically gets notified of any zoning or conditional use requests.

**SEILER** indicated they don't always get notified but added they were notified of this request and that is why they voiced their concerns. He referred to the e-mail handed out at the meeting.

**MILLER** briefly explained the Early Warning Notice procedure.

**DAILEY** asked if the WPD was satisfied.

**SEILER** indicated that they would be meeting with the developer for further discussion. He said they have concerns about staffing since this is out of the normal footprint of the Old Town area.

**DAILEY** asked about establishing a closing so the venue would close earlier than bars in the area.

**MILLER** said if the Planning Commission feels it is reasonable and appropriate they can recommend hours of operation.

**MCKAY** asked if this was part of the whole concept including the hotel, etc. at this location.

**OBORNEY** said yes. He added that as a City they want to encourage a downtown area that is vibrant to live, work and play in. He said they believe that will encompass many other properties that will have these flexible approaches. He said as other cities develop their metro areas and density is increasing they are also going through these decisions to put processes and policies in place that will allow these types of venues and entertainment areas within the central core area. He said this is fairly normal throughout the area.

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

**WARREN** moved, **NEUGENT** seconded the motion, and it carried (12-0).

- 8. **Case No.: CON2015-00018** – Brian and Allyson McClure request a County Conditional Use to permit an accessory apartment on property described as:

Beginning at the Southeast corner of the Northeast Quarter of Section 23, Township 28 South, Range 3 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence North 140 feet; thence West parallel with the South line of said Northeast Quarter, 159.7 feet; thence North parallel with the East line of said Northeast Quarter, 213.53 feet; thence East parallel with the South line of said Northeast Quarter, 52.77 feet; thence with an angle to the left 109 degrees, 45 minutes, a distance of 195 feet; thence with an angle to the left of 84 degrees 00 minutes, a distance of 64.8 feet; thence with an angle to the left of 41 degrees 44 minutes, a distance of 465 feet, more or less, to a point 30 feet East of the West line of the East 16 acres of the South half of the Northeast Quarter; thence South parallel with the West line of said East 16 acres 139.72 feet to the South line of said Northeast Quarter; thence East 498.51 feet to beginning, TOGETHER WITH a tract of land beginning at a point 30 feet West and 140 feet North of the Southeast corner of the Northeast Quarter of Section 23, Township 28 South, Range 3 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence North 213.53 feet; thence West 129.7 feet; thence South 213.53 feet; thence East 129.7 feet to the point of beginning.

**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 231<sup>st</sup> Street West and approximately one-half mile south of West 47<sup>th</sup> 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 231<sup>st</sup> 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 231<sup>st</sup> 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 231<sup>st</sup> Street West, is also developed with a number of platted (Miles Country Club Estates 3<sup>rd</sup> 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 231<sup>st</sup> 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 231<sup>st</sup> 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.

**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 (12-0).

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9. **Case No.: DER2015-00004** - 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.

**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 County 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 had 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.

**DALE MILLER**, Planning Staff presented the Staff Report.

**DENNIS** said for the record he was a City appointee. He said he thought this was a serious disturbance to the community and citizens of Sedgwick County that the Planning Commission is even being asked to do this. He said he was very distressed with the decision of the County Commission because all along there has been an effort to consolidate things in Sedgwick County and the City of Wichita and now they are being asked to split the BZA up. He asked if the current City BZA members would remain on the Board or will there also be a separate City BZA.

**MILLER** replied that staff understands that there would be a separate Sedgwick County Board of Zoning Appeals appointed by the Sedgwick County Commission and a separate City of Wichita Board of Zoning Appeals appointed by the City Council. He said staff’s proposal was that the seven City Council appointees to the Planning Commission continue as the City of Wichita Board of Zoning appeals appointees.

**DENNIS** said he didn’t see any choice in the matter unless there were questions so he guessed the Commission just needed to move to approve it.

**NEUGENT** indicated that she was a County appointee. She said when the BZA was originally consolidated she was still working for the City of Haysville and when it happened, some of the smaller communities were concerned about the significance of that move. She said having been a Planning Commissioner and having been at meetings she would agree with everything Commissioner Dennis said. She said she thinks this is nuts.

**DAILEY** said living in the unincorporated part of Sedgwick County and having previously served on the Sedgwick County Board of Zoning Appeals, he said he thought it was a mistake to combine the BZA Boards. He said he thinks you need people who are interested in what is in the County to decide what goes on in the County. He said he didn’t see anyone giving a financial reason for taking the action. He said he feels consolidation isn’t good in every case. He said in services and the building code he can agree with, but not on the zoning appeals. He said the City of Wichita should not tell people on the outer limits of Sedgwick County what to do and try to influence little cities to do what Wichita wants.

**GOOLSBY** commented to that although Commissioner Dailey lived in the unincorporated area of the County he was making comments on development in the City of Wichita. He added that one day the unincorporated area Commissioner Dailey lives in may be a part of the City of Wichita. He said he felt it was good to have, not necessarily consolidation; but collaboration; and dismantling the BZA speaks, in his opinion, of the intent of the County to enact chaos and not collaboration, and that does not sit well with him.

**DAILEY** said to him it was the City of Wichita trying to tell the outbound Sedgwick County what they can and can't do.

**RAMSEY** said he contends that every citizen of Wichita is a citizen of Sedgwick County.

**DENNIS** said he was a citizen of Sedgwick County who has been on the Planning Commission for nine (9) years and at no point has he ever made a decision that he felt would be detrimental to Sedgwick County. He said he takes exception to Commissioner Dailey's statement that he is not considerate of what is going on in the outlying areas. He said he is a citizen of Wichita, Sedgwick County, State of Kansas and United States of America. He said he supported the entire nation when he was in the military and will continue to support it in his capacity as a board member.

**WARREN** asked a procedural question; what would happen if the Commission voted against the proposal.

**ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR** clarified that the Board of County Commissioners has already taken action to dissolve the BZA effective July 1, 2015. The County Commission will move forward with a separate five (5) member County BZA. He said the Planning Commission is being asked to amend the Unified Zoning Code (UZC) so that the definition of the Board of Zoning Appeals conforms to that action already taken. He noted that because this was an amendment of the zoning code text the by-laws require that a majority of the entire membership vote in favor of the motion in order for it to go forward. He said that would require eight (8) votes.

**WARREN** asked what happens if the wording in the UZC doesn't match up with reality.

**PARNACOTT** explained that the Planning Commission was making a recommendation whether or not to amend the Code. He said the governing body can override any recommendation by a super-majority vote. He said if that action does not happen, attorneys have ways of dealing with inconsistencies in Code. He said this would eliminate any ambiguity; however, if it did not change, the courts would figure it out. He concluded by saying that it would be better to have the Code match up with reality.

**FOSTER** asked how many County Board of Zoning Appeals cases the Board has heard.

**MILLER** responded that from 2005 -2014 there have been 22 County BZA applications and 98 City BZA cases. He said if you divided that up that would be 2.2 County cases per year.

**FOSTER** commented that it would be difficult to put a price tag on the separation but he mentioned the physical effort needed to accomplish another board meeting including additional staff time, packet mail out, setting up the meeting room, etc.

**MILLER** said instead of one mail out that includes both BZA and MAPC material, there will be a separate mail out, additional postage and staff time to set up a separate meeting but in the overall scheme of things those costs may be marginal given the number of times the County Board of Zoning Appeals meets.

**RICHARDSON** asked about County taxes being the same no matter where you lived in the County.

**PARNACOTT** responded that the County has a general mill levy that imposes the same tax whether you reside inside or outside the City.

**RICHARDSON** remarked so City residents pay both City and County taxes and have a vested interest in County business.

**CHAIR GOOLSBY** asked if anyone from the public was present to speak on the issue.

**MOTION:** To not approve staff recommendation for the requested change.

**NEUGENT** moved, **FOSTER** seconded the motion.

**DENNIS** said he thinks what is being done is stupid, but basically it has already happened so the Commission might as well do what needs to be done to make sure the UZC conforms to what has happened so he would like to make a substitute motion to approve staff recommendation on the item.

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

**DENNIS** moved, **B. JOHNSON** seconded the motion.

**NEUGENT** said she understands that at this point what the Planning Commission does makes absolutely no difference because the Board of County Commissioners has made a decision regardless of what any of the Planning Commissioners think. She said she also believes that not rubber stamping the County Commission decision and voting no is the only way to send a message that not everybody is in love with every action the County Commission is taking at this point.

**DAILEY** said he believes the UZC needs to conform to what the reality is for the public.

**CHAIR GOOLSBY** said so in the spirit of simplicity Commissioner Dailey should be advocating to keep the BZA together.

**DAILEY** said the Commission should make the UZC conform to what the County Commission has voted to do.

**NEUGENT** said she believes it would be a mistake for her to go along with a law change that she does not support, believe in, or thinks is really a benefit. She said she was speaking as a County representative who lives within an incorporated City that is not Wichita. She added as Commissioner Norton's appointment that might explain why her view is what it is.

**WARREN** clarified that if the Planning Commission votes for denial of the request, the County Commission has the ability to approve the request with a super majority.

**PARNACOTT** responded yes.

**MCKAY** asked if he had a conflict of interest because he has been contacted about being a member of the County Board of Zoning Appeals.

**PARNACOTT** said no it was not a conflict of interest since this was a legislative matter, not a quasi-judicial matter since the vote is on the body of laws adopted by the County Commission.

**DENNIS** clarified that it takes a 4-1 vote or super majority by the County Commission to override the Planning Commission's recommendation.

**PARNACOTT** indicated that was typically the way it worked but added that he would review the Statute. He said if the County Commission sends the item back to the Planning Commission to review, then it would take a simple majority to override it when it goes back to the County Commission.

**KLAUSMEYER** said as a County Commissioner appointee he was going to agree with Commissioner Neugent. He said he thought what the County Commission was doing was nuts in light of working on consolidation and streamlining things. He said he sees zero point in this action. He said if the combined Board wasn't working or if there were problems then that would be another matter.

The **SUBSTITUTE MOTION** to approve failed (5-7). **DENNIS, FOSTER, GOOSLBY, KLAUSMEYER, NEUGENT, RAMSEY** and **WARREN** – No.

The **ORIGINAL MOTION** to deny failed (7-5). **DAILEY, B. JOHNSON, MCKAY, MITCHELL** and **RICHARDSON** – No.

It was noted that eight (8) votes were needed so both motions failed.

**DENNIS** said he felt the Planning Commission needed to clarify the reason for the vote on the amendment to the Board of County Commissioners. He suggested a respectful letter from the Planning Commission Chair explaining that they are concerned citizen(s) of Sedgwick County interested in seeing consolidation in Wichita and Sedgwick County and not meaning any disrespect to the County Commissioners, let them understand that the Planning Commissioners feel they are all citizens of Sedgwick County.

**MOTION:** That the Commission draft a letter to more clearly articulate why it voted the way it did on the amendment.

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

**PARNACOTT** clarified that the minutes of this meeting with this recommendation not to approve will go forward to the County Commission. He said the letter might better explain since the minutes are not verbatim.

**NEUGENT** asked if the Planning Commission would see the letter. She said her reason is she is not a big fan of the term "consolidation" but she does like the terms cooperation and coordination.

**GOOSLBY** mentioned collaboration and working together. He mentioned bringing the letter back to the Commission June 4, 2015.

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**NON-PUBLIC HEARING ITEMS**

**10.** Case No.: 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.

<b>Project Component</b>	<b>Cost</b>
Oliver Avenue Complete Street	\$12,250,000
17 <sup>th</sup> 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 letter of support and authorize the chair to sign.

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

**FOSTER** referred to the second paragraph of the letter which sounds like the MAPC is not getting the job done. He asked that staff “tighten that up” and refer to the MAPC being engaged in a comprehensive planning process for the last two years. He also referred to a grammatical error in the second paragraph.

**RICHARDSON** asked who was going to operate the bus system.

**KNEBEL** responded the Wichita Transit Authority (WTA). He added that half of the funding for the first five (5) years will be federal funds. He said WSU presently operates a bus system through a contractor that provides some of the connectivity into the campus. He said once that contract expires they will contract with WTA to provide student and faculty access. He said that will provide a majority of the match and the remainder would come from fare revenue. He said any shortfall will be the City's obligation which they estimate to be within 2-5% of total operating costs

**RICHARDSON** commented that they are having trouble with the other transit system.

**KNEBEL** commented that was a different question. He said operating this may be a bit of a struggle and will become a policy decision the City Council will need to make when they consider this grant application. He said with the availability of federal funds this will probably work for the first five years. He commented that he just spent two days with Transit staff reviewing the long-term operational picture for the transit system. He said the approach they are taking is looking at finding a way to create ridership in a demographic that is likely to ride the system. He said they will have to make some pretty strategic changes to the rest of the system and this is just the first step of many in that process.

**RICHARDSON** clarified that \$10,000,000 will come from the Capital Improvement Program (CIP). He also asked if that would be spent all at once or spread out.

**KNEBEL** said that was correct that the amount was in the proposed CIP to be considered by the MAPC and City Council. He said the amount was spread out over a 3-year period.

**RICHARDSON** mentioned Oliver and said it came out to approximately \$4,600 per running foot which he felt was a bit exorbitant.

**KNEBEL** commented that the biggest cost was reconstructing the two major intersections. He added that there was also about 600-700 feet along 21<sup>st</sup> Street North and east and west of 21<sup>st</sup> and Oliver as well. He said the actual linear footage is higher than you might think based on the description. He added that the cost was also higher based on the nature of the improvements which included five new traffic signals, landscape median and street lighting.

**DAILEY** commented that in the past if commercial entities needed street improvements like extra turn lanes and things of that nature it was on their nickel. He asked why this is different that the City should supply all this.

**KNEBEL** said if they don't get the grant the scope of the project will be significantly less. He said in this case City is partnering with the university and seeking federal funds to pay for improvements.

**DAILEY** said that was one reason he would be opposed to it. He commented that the university is roping the City into spending City money on their project. He asked what kind of evidence staff had that they even need the bus service.

**KNEBEL** commented that he had a file filled with information on the benefit/cost analysis done by consultants that Commissioner Dailey was welcome to review.

**DAILEY** asked what evidence they had that the service will be wanted and used by people.

**KNEBEL** he commented that they are talking a relatively small percentage of the mode share for transportation.

**MOTION:** Approve letter of support and authorize the Chair to sign.

**WARREN** moved, **RAMSEY** seconded the motion, and it carried (11-1). **DAILEY** – No.

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**11. Other Matters/Adjournment**

**CHAIR GOOLSBY** said he was removing himself from Subdivision Committee and appointing M.S. Mitchell. He said he was putting himself on the Advance Plans Committee.

The Metropolitan Area Planning Commission adjourned at 2:33 p.m.

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

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

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

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

(SEAL)