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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA
Thursday, July 9, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, July 9, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

Meeting Date: May 21, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2015-00005: One-Sept Final Plat - SLADE'S SECOND ADDITION,** located south of 55th Street South, east of Meridian. 6-18-15

Committee Action: APPROVED 5-0
Surveyor: Alpha Land Surveys, Inc.
Acreage: 1.98
Total Lots: 1

- 2-2. **SUB2015-00017: Final Plat – CADILLAC LAKE ADDITION,** located on the southeast corner of Maize Road and 29th Street North.

Committee Action: APPROVED 5-0
Surveyor: Professional Engineering Consultants, P.A.
Acreage: 72.08
Total Lots: 10

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

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

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10th Floor, City Hall, 455 N. Main Street, Wichita, Kansas

- 3-1. **VAC2015-00022: City request to vacate a platted alley,** located between Lincoln and Morris Streets, Santa Fe Avenue and railroad right-of-way.

Committee Action: APPROVED 5-0

- 3-2. **VAC2015-00023: County request to vacate a subdivision,** located on the northwest corner of 63rd Street South and Clifton Avenue.

Committee Action: APPROVED 5-0

3-3. VAC2015-00024: City request to vacate the plattor's text to amend the uses allowed within platted reserves, on property general location west of Maize Road on the north side of 29th Street North.

Committee Action: APPROVED 5-0

3-4. VAC2015-00025: City request to vacate a platted sidewalk easement, on property generally located west of Washington Avenue on the south side of Douglas Avenue.

Committee Action: APPROVED 5-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

- 4.** Case No.: CON2015-00015 (deferred from 5-21-15)
Request: City Conditional Use request for a nightclub on LI Limited Industrial zoned property.
General Location: West of Hydraulic Avenue, between Indiana and Cleveland Avenues on the north side of Central Avenue (1320 E. Central Ave.)
Presenting Planner: Bill Longnecker
- 5.** Case No.: ZON2015-00021
Request: City zone change request from B Multi-family Residential to LI Limited Industrial.
General Location: 100 feet south of East 15th Street North, west of N. Santa Fe (1547 N. Santa Fe).
Presenting Planner: Kathy Morgan
- 6.** Case No.: ZON2015-00022
Request: City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential.
General Location: South of East 45th Street North on the west side of Webb Road.
Presenting Planner: Kathy Morgan
- 7.** Case No.: ZON2015-00023
Request: City zone change request from LC Limited Commercial to CBD Central Business District.
General Location: East of Seneca Street on the southwest corner of Douglas Avenue and Walnut Street.
Presenting Planner: Bill Longnecker
- 8.** Case No.: CON2015-00021
Request: City Conditional Use to permit a government service.
General Location: 3535 West Douglas Avenue.
Presenting Planner: Kathy Morgan

NON-PUBLIC HEARING ITEMS

9. Case No.: Capital Improvement Program (CIP)
Request: Conformity of the proposed 2015-2024 City of Wichita Capital Improvement Program with the Wichita-Sedgwick County Comprehensive Plan
General Location: City-wide
Presenting Planner: Dave Barber

10. Other Matters/Adjournment

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

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, 10th 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.

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

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently served by both sewer (lateral and main) and water (distribution and transmission). Existing service lines shall be abandoned at the tap. The public sewer line running east-west across the lot will require a private project to either be abandoned or converted to private maintenance at a manhole. A temporary utility easement will be required if plans are not approved prior to City Council approval of the plat. The City does not desire to loop public water through the proposed waterline easement at the southwest corner of the plat. Instead, extension of the 2" line in Gilbert to connect in Gouverneur shall be guaranteed.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's preliminary drainage concept.

- D. In accordance with the CUP, the applicant shall guarantee the installation of an access point through the Gouverneur Road median at Gilbert.
- E. Traffic Engineering has approved the access controls. The plat proposes three access openings along both Mission Road and Kellogg, and two openings along Gouverneur Road.
- F. The applicant shall guarantee the closure of any driveways and street returns located in areas of complete access control or that exceed the number of allowed openings. A Driveway/Street Return Closure Certificate in lieu of a guarantee may be provided.
- G. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Scholfield Honda Commercial Community Unit Plan (CUP2015-00003, DP-305).
- H. County Surveying advises that the label at the northeast corner of the proposed Lot 1, Block A needs corrected from SE to NE.
- I. County Surveying advises that the label on the west line of the proposed Lot 1, Block A needs corrected from "East line, Lot 12, Block 2, Eastridge 5th Addition" to "West line, Lot 1, Block 2, Eastridge 5th Addition".
- J. County Surveying advises there are two of the same labels for the 1.50' North of the SW Corner of Lot 14, Block 2, Eastridge 5th Addition.
- K. The vacation of Drury Lane has created a dead end of 150 feet and Staff recommends a modification of the Subdivision Regulation requirement for a turnaround. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- L. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- M. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- N. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

- P. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- S. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Westar Energy advises that LaDonna Vanderford is the Area Construction Services Representative for this plat and is working with the applicant about an existing electric line and equipment that may need to be relocated due to the new building being built here. She is waiting on a site plan that shows the exact placement of the building in reference to that equipment. Additional easements may need to be requested by separate instrument at a later time. She can be reached at 316-261-6490. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- X. Kansas Gas Service advises of existing facilities along Orme Street and Drury Lane that are located in the area to be vacated. A utility easement is needed on the plat to protect existing facilities. Contact Joseph A. Bridgewater (joseph.bridgewater@onegas.com; 316-832-3123).

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

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).

PUBLIC HEARING – VACATION ITEMS

There were no vacation items.

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 6th 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).

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.#/ELM-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 47th 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 47th Street South and 185 feet west of Seneca Street. The site has access onto 47th Street South via a proposed access-utility easement. The LC zoning district allows, new undisguised ground-mounted wireless communication facilities of up to 120 feet in height. The site is located within Airport Hazard Zone Area D, which allows a 300-foot maximum height; the site's base zoning, LC, does not permit 300-foot maximum height. The site is not designated on the "Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map," thus the conditional use request.

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

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

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

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

The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. It states that all towers comply with the compatibility setback standards. The applicant's site plan shows the tower meeting the compatibility setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible. The proposed 100-foot monopole tower is not the first tower in the general area, as there is a 150-foot tall tower, CON2005-00035, located less than a half-mile northwest of the site as well as a smaller tower located on a USD 259 elementary tower located across the street from CON2005-00035. The proposed tower's close proximity to the area's residential development residential areas is supposed to provide improved service to Verizon's residential and nonresidential customers in this part of Wichita and Sedgwick County; 2) Minimize the height, mass, or proportion. Making the tower shorter may lead to more towers that would be needed to provide the desired coverage; 3) Minimize the silhouette. Monopoles and certain lattice type structures (think City microwave towers) are recommended for up to 150-feet, with antennas mounted flush to the support structure over triangular antenna arrays. However, triangular antenna arrays tend to provide better coverage; 4) Use colors, textures, and materials that blend in with the existing environment. The monopole will have a galvanized surface, which will blend into the sky more readily than red or white paint; 5) Be concealed or disguised as a flagpole, clock tower, or church steeple. These design disguises were not mentioned in the application; 6) Be placed in areas where trees and/or buildings obscure some or all of the facility. The undeveloped site has existing trees, that appear to be primarily un-kept Siberian or Chinese Elms scattered throughout the two-acre site that provide some cover for a 100-foot tall monopole, if they are preserved and cared for. Planting large evergreens and solid screening could provide cover from the ground up to 20-40 feet; 7) Be placed on walls or roofs of buildings. The tower map addresses co-location opportunities on other towers, specifically CON2005-00035's 150-foot tower; 8) Be screened through landscaping, walls, and/or fencing. Planting junipers/evergreens (a minimum of 5 feet tall at the planting, spaced 15 feet apart, center to center of each juniper/evergreen. This spacing will provide solid screening when the junipers/evergreens mature and with proper care provide a more attractive and efficient screening than a 6-8-foot tall wooden privacy fence; and 9) Painting towers red and white instead of using strobe lighting. The applicant has stated that there will be no strobes and that it will be a galvanized steel finish. NOTE: Since the time the Wireless Communication Master Plan was first adopted, the FAA changed their regulations to require daytime strobe lighting; whereas, when the plan was adopted, the FAA allowed painted towers red and white instead of using strobe lighting.

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

- A. This request must have the approval by the FAA in determining the proposed wireless communication facility with its 100-foot tall monopole tower pose no hazard to air navigation or interferes with other radio/communication frequencies; Form FAA 7460-1 Notice of Proposed Construction or Alteration. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.

- B. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
- C. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- D. The support structure shall be a monopole design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- E. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least two (2) wireless service providers.
- F. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 5-foot when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide Public Works and the MABCD with any required plans for review and approval of the site.
- H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The undeveloped LC zoned site located on the northwest corner of 47th Street South and Seneca Street. LC zoned single-family residences (built 1935, 1940) and what appears to be a nonconforming trailer park abut and are adjacent to the north side of the site. LC and SF-5 Single-Family Residential zoned single-family residences (built 1935, 1940 and 1970) and undeveloped land abut and are adjacent to the west side of the site. A LC zoned Sonic fast food restaurant abuts the east side of the site, with LC zoned auto repair and a small strip building located further east across Seneca Street. LC zoned properties located south of the site, across 47th Street South, are developed as a Kwik Shop convenience store, auto repair and undeveloped land. SF-5 zoned single-family residences (built late 1970s – mid 1980s) are located southwest of the site. Both the east abutting Sonic and the south adjacent Kwik Shop sites are shown on the “Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map.”
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC and is currently undeveloped. The site could be developed for many commercial, office and residential uses by right. The proposed tower would introduce a new use to the area.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed 100-foot tall, wireless, galvanized steel, monopole would be the first in the immediate area. Its visual impact is undeniable, however the conditions of approval will add landscaping around the site, to help minimize the eye level visual impact. The area's residence will weigh the touted benefits of the proposed wireless communication facility and its 100-foot tall monopole tower against the site's visual impact.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The "2013 Land Use Guide of the Comprehensive Plan" (Plan) identifies the LC zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The site's LC zoning is not appropriate for the urban residential category, but it is not out of character with the LC zoning located on the four sides of the 47th Street South – Seneca Street intersection. The local commercial designation reflects the site's zoning as shown on the 1958 County zoning map. The UZC considers a wireless communication facility a commercial use.

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

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

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

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.

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 Osborne (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 night club located in the Union Station Depot, but a stand-alone primary use. Per the Unified Zoning Code (UZC) Art.II, Sec.II-B.4.1. and Art.II, Sec.II-B.9.b. the proposed use is considered a night club in the city. When a tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a conditional use is required; UZC Art.III, Sec.III-D.6.w. Naftzger Public Park is located approximately 300 feet west of the site. The area to the south, west and east of the site is zoned CBD, with the exception of the Limited Industrial (LI) zoned railroad easement abutting the west side of the Union Station property. The CBD zoned development around the site include the east abutting, historic Rock Island Depot building which is currently undergoing renovations. The Rock Island Depot was built in 1887 in late Victorian style and is on the National Register of Historic Places. Other developments include Cox Communication facilities, a vacant brick two-story building undergoing renovation (built 1870), the Wichita Eagle newspaper building, offices, bars, apartments, parking, restaurants, a park and retail. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located two-blocks southwest of the site. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large venue. The vacant brick four-story Spaghetti Warehouse building (built 1894) is located midway between the site and Intrust Bank Arena.

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

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

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

- (1) The site will developed with an approved revised site plan, showing, but not limited to, barriers to prevent persons from leaving the premises with open bottles and to make sure everyone stays on the premises. The outdoor venue shall be subject to Art.III, Sec.III-D.6.w of the UZC. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (2) The applicant shall obtain all required state, local and other applicable permits and inspections.

- (3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (6) **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.

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

- (9) **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.

- (10) **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 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 foot print 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 6th 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 6th 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 231st Street West and approximately one-half mile south of West 47th Street South (4 Shadybanks Street). The property is currently developed with a single-family residence and a shop/garage on 4.11 acres. The applicant proposes to convert the existing shop/garage, shown in the southeastern corner of the applicant’s site plan, to an accessory apartment. Access to the site is via South 231st Street West to Shadybanks Street. A driveway extends south from Shadybanks Street to serve the principal and accessory structures. The existing shop/garage has three parking spaces located inside of the existing shop/garage. The principal structure located on the site is a site-built brick and wood home. The exterior of the existing shop/garage has the same wooden siding and is painted the same color as is found on the principal structure. The site utilizes on-site septic system and water well. The application area has an existing hedgerow located on the eastern, southern and western property lines.

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

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

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Article II, Section II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Article III, Section III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

RECOMMENDATION: The surrounding area is overwhelmingly rural with large-lot single-family residences or farmland/farmsteads. Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan and in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6.a(1) and (3); building, fire, sanitation and utility regulations or codes.
2. The applicant shall submit a revised site plan that includes legible dimension control. The applicant shall also submit a photograph or elevation drawing of the façade of the approved accessory apartment. The appearance of the accessory apartment shall be maintained in substantial compliance with that approved by the planning commission or governing body. Modifications to the accessory apartment may be made with the concurrence of the Zoning Administrator provided the improvements are consistent with the spirit and intent of the accessory apartment regulations.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All properties abutting or adjoining the application area are zoned RR. The land located immediately north and west of the site is unplatted and contains a number of large-lot residences. Property located to the south of the site contains a number of platted large-lot single-family residences. Land located east of the site, across South 231st Street West, is also developed with a number of platted large-lot residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR that primarily permits large-lot single-family residences and agriculture. The site could continue to be used as a single-family residential site and have economic value without approval of the application.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions of approval should minimize anticipated impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would presumably represent a hardship upon the property owner with respect to providing additional housing on the property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as a rural area. Rural areas are land located outside of urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.
6. Impact of the proposed development on community facilities: None identified.

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).

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 Unified Zoning Code (UZC), Article VI, Section VI-E, authorizes the BZA to hear “variances” and “appeals of zoning administrator’s interpretations.” Variances are requests that allow for deviation from the basic development standards specified by the zoning code, such as, a reduction in minimum building setback, lot area or maximum building height. Variances may be granted by the BZA only when certain circumstances are found to be present. An appeal is a request by an aggrieved party for the BZA to review a decision or interpretation made by the zoning administrator, such as, if an unregistered use, structure or lot is nonconforming or illegal.

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

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

CONFORMANCE TO PLANS/POLICIES: As noted above, state law requires the establishment of a board of zoning appeals is 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 State 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.

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.

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

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 come 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 21st Street North and east and west of 21st 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.

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) ^{SS}

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

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

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

(SEAL)

STAFF REPORT

CASE NUMBER: SUB2015-00005 – SLADE’S SECOND ADDITION

OWNER/APPLICANT: Daniel R. and Deborah E. McClure, 1939 West 55th Street South, Wichita, KS 67217

SURVEYOR/AGENT: Alpha Land Surveys. Inc., 216 West Second Avenue, Hutchinson, KS 67501

LOCATION: East of Meridian, South of 55th Street South (District IV)

SITE SIZE: 1.98 acres

NUMBER OF LOTS

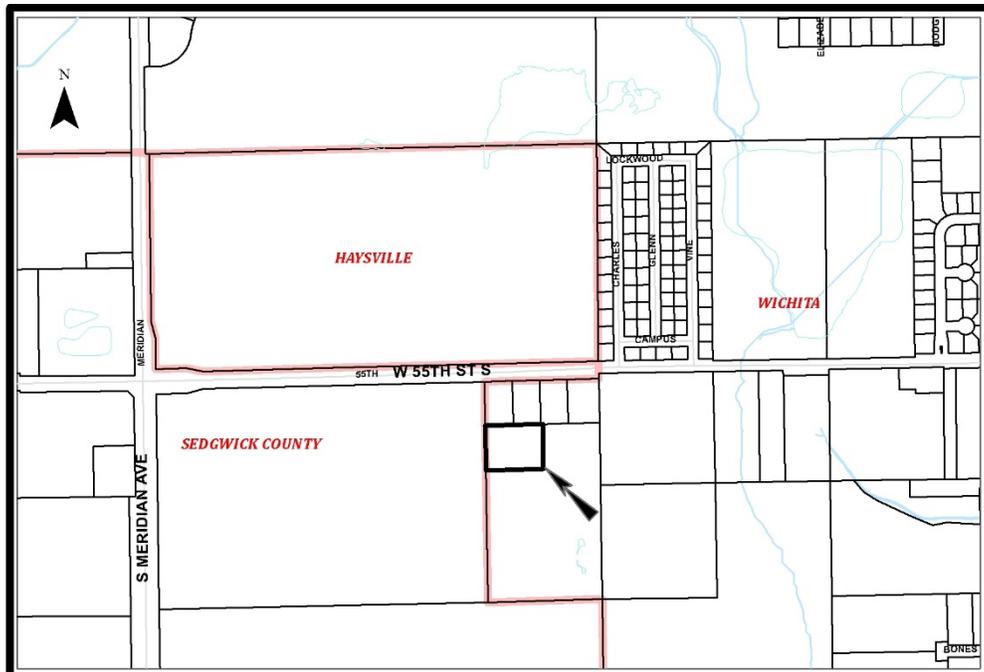
Residential:	1
Office:	
Commercial:	
Industrial:	—
Total:	1

MINIMUM LOT AREA: 1.98 acres

CURRENT ZONING: SF-5 Single-Family Residential

PROPOSED ZONING: Same

VICINITY MAP



SUB2015-00005 -- Plat of SLADE'S SECOND ADDITION
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NOTE: This is an unplatted site located within the City of Wichita.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department has requested the applicant extend sanitary sewer (laterals). In-lieu-of-assessment fees are due on water transmission and sewer main. A No Protest Agreement for future extension of water is needed.
- B. The applicant shall contact City of Wichita Environmental Health to find out what tests may be necessary and what standards are to be met for approval of on-site water. A memorandum shall be obtained specifying approval.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Surveying advises the benchmark description for the Site "SBM-1" needs a more defined location with respect to the proposed plat. Said benchmark should also be shown graphically on the final plat.
- E. County Surveying recommends adding a reference to the west line of the east half of the northeast quarter of the northwest quarter of Section 30, Township 28 South, Range 1 east on the face of the plat.
- F. County Surveying recommends revising the legend on the final plat to match what is shown.
- G. County Surveying advises the recording data for the contingent street dedication over Lots 2 and 3, Block A, "Slade's First Subdivision", Sedgwick County, Kansas (Film 442, Page 213) needs to be shown on the final plat.
- H. The applicant has platted a joint driveway easement and contingent street dedication which shall be relabeled as a "joint access easement and contingent dedication" and referenced in the plattor's text as follows: "The contingent dedication shall become effective if the City of Wichita determines a need for such dedication."
- I. The joint access easement and contingent dedication shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- J. Language in the plattor's text regarding the proposed joint driveway and contingent street dedication benefiting Lots 2 and 3, Block A of Slade's First Subdivision should be removed, as future developments would also benefit from a future public street.
- K. City Stormwater Management has approved the drainage plan.
- L. Access controls need denoted on the face of the plat as referenced in the plattor's text.

SUB2015-00005 -- Plat of SLADE'S SECOND ADDITION
June 18, 2015 - Page 3

- M. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- N. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- O. The plattor's text shall include reference to "a lot and a block" in the owner's certificate.
- P. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- 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.

SUB2015-00005 -- Plat of SLADE'S SECOND ADDITION
June 18, 2015 - Page 4

- W. Westar Energy advises that Brian Ward, the Southwest Area Construction Services Representative, will be the contact for this project. He can be reached at 316-261-6859 with questions and information or to start this project when the time comes. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- X. 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).

SUB2015-00017 – Plat of CADILLAC LAKE ADDITION
July 9, 2015 - Page 2

NOTE: This is an unplatted site located within the City of Wichita. A portion of the site has been approved for a zone change (ZON2015-00013) from SF-5 Single-Family Residential to LC Limited Commercial. The Cadillac Lake Community Unit Plan (CUP2015-00005, DP-336) was also approved.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that a sewer extension is required to serve Lots 1-9. Lot 10 owes sewer lateral fees. A sewer main fee is due for all lots and reserves. A water extension is needed for Lot 1. Water distribution (all lots) and transmission (all lots and reserves) fees are due. Sewer easements will be required.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. Traffic Engineering has requested a guarantee for right-turn deceleration lanes on Maize Road and for left turn lanes on 29th Street North, including the extension of drainage structures as needed for safety on Maize Road.
- E. Traffic Engineering has approved the access controls. The plat denotes two openings along Maize Road and seven openings along 29th Street North including one rights-in/out opening.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- J. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- K. 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.
- L. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

SUB2015-00017 – Plat of CADILLAC LAKE ADDITION
July 9, 2015 - Page 3

- M. 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.
- N. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- O. 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.)
- P. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Q. 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.
- R. 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.
- S. 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.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Westar Energy advises that Richard Aitken is the Area Construction Services Rep for this plat and can be reached at 316-261-6734. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- V. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

CASE NUMBER: VAC2015-00022 - City request to vacate a platted alley

APPLICANT/AGENT: Wichita Material Recovery LLC, Michaelis Real Estate 3 LLC, KCM & O RY Co., AT & SF Railway Company, H & D Real Estate LLC, James Wyatt (applicants)

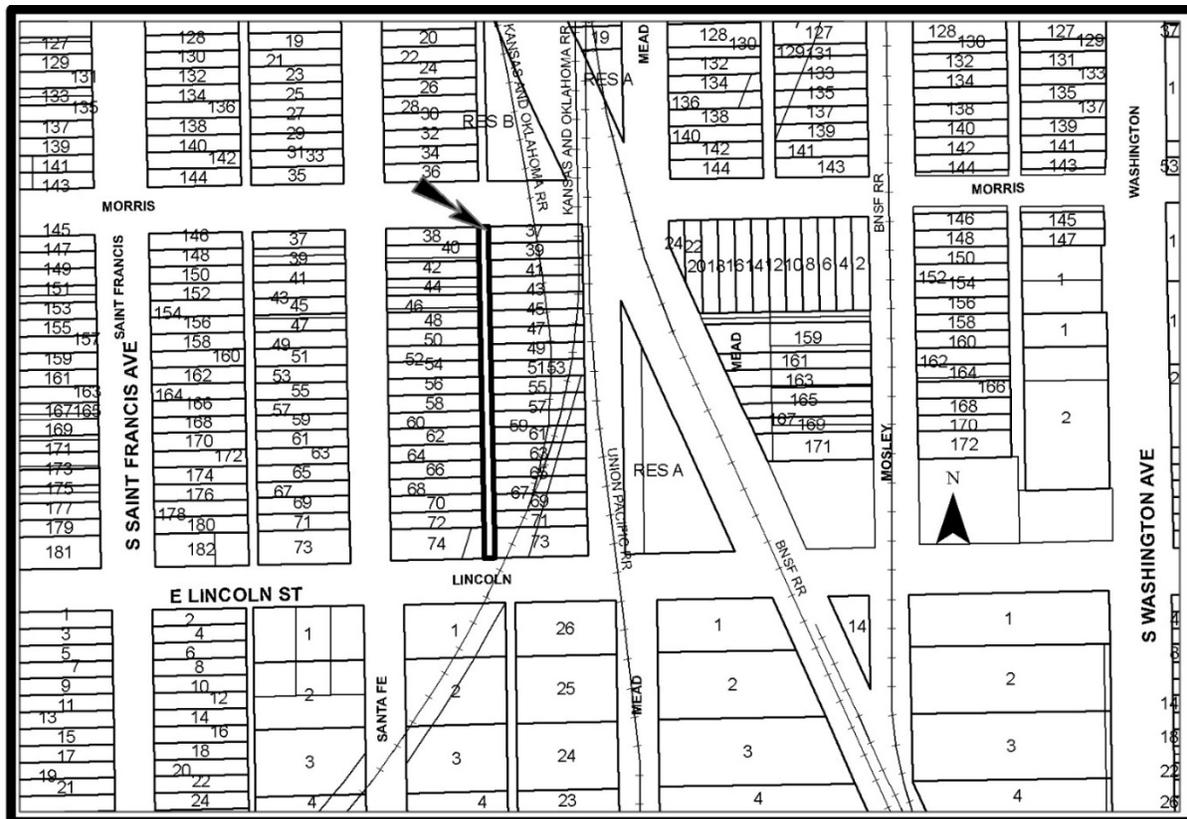
LEGAL DESCRIPTION: Generally described as vacating the platted 16-foot wide alley abutting Lots 37-73 (odd, rail road side), Lots 38-74 (even, Santa Fe Avenue side), the north side of Lincoln Street, and the south side of Morris Street, all in the Elliott Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between Lincoln and Morris Streets, Santa Fe Avenue and railroad right-of-way (WCC III)

REASON FOR REQUEST: Future development

CURRENT ZONING: The subject site is platted alley right-of-way. All abutting and adjacent properties are zoned LI Limited Industrial

VICINITY MAP:



The applicant is requesting the vacation of the gravel, platted 16-foot wide alley right-of-way (ROW), abutting Lots 37-73 (odd, rail road side), Lots 38-74 (even, Santa Fe Avenue side), the north side of Lincoln Street, and the south side of Morris Street, all in the Elliott Addition. There is a sewer line and manholes, power poles and lines located in the alley. Westar has equipment in the platted alley. Conditions #1 and #5 covers Westar. Shane Price, Supervisor, Construction Services is the representative for this area and can be contacted at 261-6315. No property will be denied access to public street right-of-way if the vacation is approved. All of the abutting property owners have signed the application/petition to vacate the alley. The Elliott Addition was recorded with the Register of Deeds February 1, 1887.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described platted alley and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Dedicate a 20-foot wide utility-drainage easement by separate instrument (with original signatures) for the length of the platted vacated alley, prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Provide restrictive covenants (with original signatures) binding and tying the vacated described alley right-of-way to the abutting properties. These will go with the Vacation Order to City Council for final action and subsequent recording with the Register of Deeds and the Appraiser's Office.
- (3) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (4) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all and franchise utilities. All provided prior to the vacation case going to City Council for final action.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Dedicate a 20-foot wide utility-drainage easement by separate instrument (with original signatures) for the length of the platted vacated alley, prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Provide restrictive covenants (with original signatures) binding and tying the vacated described alley right-of-way to the abutting properties. These will go with the Vacation Order to City Council for final action and subsequent recording with the Register of Deeds and the Appraiser's Office.
- (3) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (4) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all and franchise utilities. All provided prior to the vacation case going to City Council for final action.
- (5) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

CASE NUMBER: VAC2015-00023 - Request to vacate a plat

OWNER/AGENT: Karen A. & Bradley C. Hawthorne, Larry L. & Deborah D. Justice (owners/applicants), Baughman Co, PA, c/o Phil Meyer (agent)

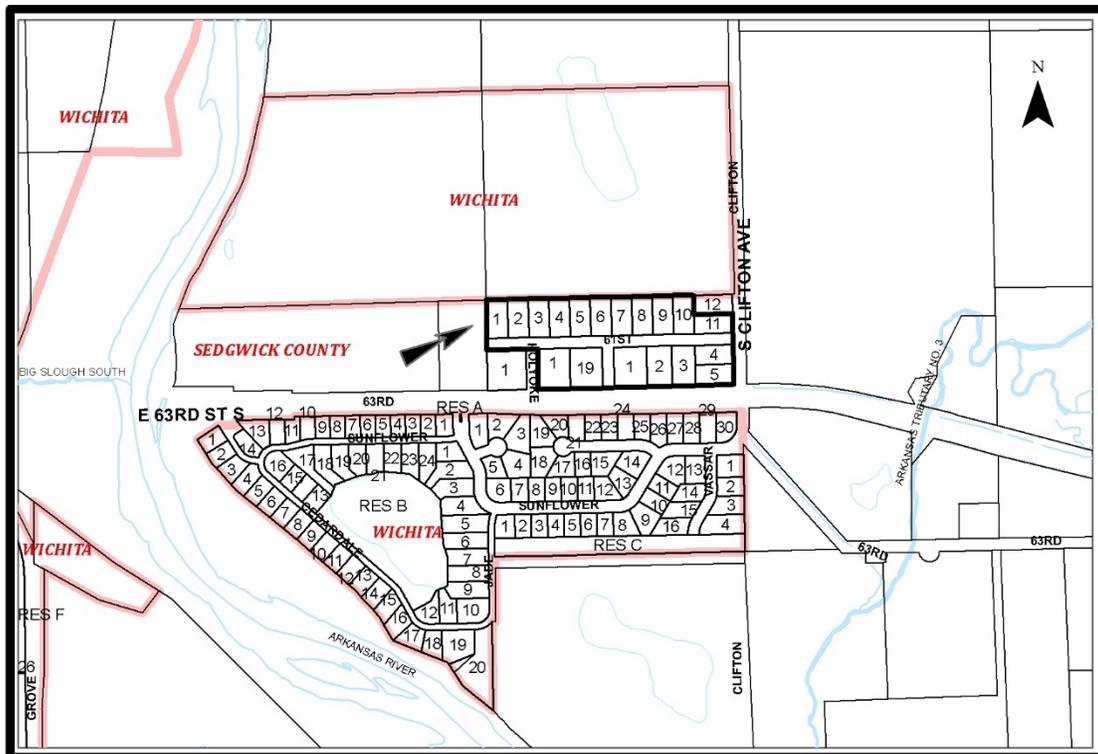
LEGAL DESCRIPTION: Generally described as vacating all of the Woodvale Addition, Sedgwick County, Kansas, except Lot 1, Block B & Lot 11, Block A

LOCATION: Generally located on the northwest corner of 63rd Street South and Clifton Avenue (BoCC #V)

REASON FOR REQUEST: Future development

CURRENT ZONING: The site is zoned SF-20 Single-Family Residential. Abutting north and west properties are zoned SF-5 Single-Family Residential and RR Rural Residential. Adjacent east properties (across Clifton) are zoned RR and SF-20. Adjacent south properties (across 63rd) are zoned SF-5 and TF-3 Two-Family Residential.

VICINITY MAP:



The applicant is requesting the vacation of all of the undeveloped 9.5-acre Woodvale Addition plat, except for Lot 1, Block B & Lot 11, Block A; both of these lots have single-family residence located on them. The current Woodvale Addition is a remnant of the original plat, which was recorded with the Register of Deeds August 15, 1953. Approximately $\frac{3}{4}$ of the south portion of the plat was vacated in 1996; D-1996-1, Film 1592, Page 256,

The proposed vacation will not impact Clifton Avenue and 63rd Street South. There are no public utilities located in the plat. Westar has equipment in the platted area. The applicant will need to dedicate an easement or relocate/remove at their expense; Conditions #1 and #2 covers Westar. Richard Aitken, Subdivision Representative for Construction Services is the contact for this item and can be contacted at 261-6734.

Because the site is located in Sedgwick County, but within the City of Wichita's three-mile ring subdivision jurisdiction, consideration and recommendation by the Wichita City Council and consideration and final action by the Sedgwick County Board of County Commissioners are required.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described plat and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County/City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to County Commission for final action.
- (2) Provide, as needed, dedication of easements by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to County Commission for final action.
- (3) Provide a legal description of the vacated plat, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County/City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to County Commission for final action.
- (2) Provide, as needed, dedication of easements by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to County Commission for final action.
- (3) Provide a legal description of the vacated plat, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (4) All improvements shall be according to County and City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

CASE NUMBER: VAC2015-00024 - Request to vacate the plattor's text to amend the uses allowed in platted reserves

OWNER/APPLICANT: Newmarket Office, LLC, c/o David Hambrick (owner)

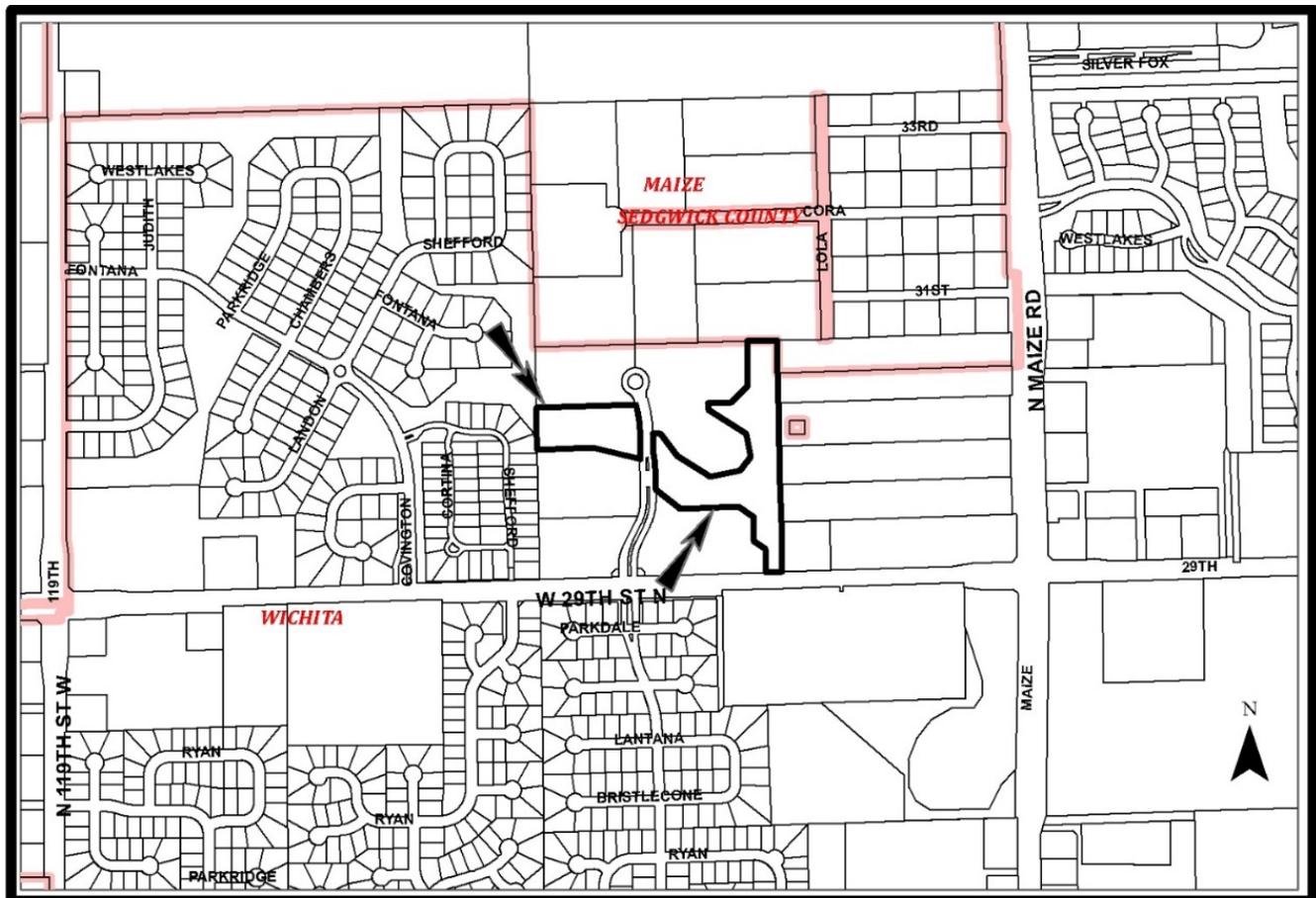
LEGAL DESCRIPTION: Generally described as vacating the plattor's text to amend the uses allowed in platted Reserves A and B, New Market Office 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Maize Road on the north side of 29th Street North, on the east and west sides of North Parkdale Circle (WCC #V)

REASON FOR REQUEST: To allow for the use of open space, recreation and signage

CURRENT ZONING: The site and the abutting north and south properties are zoned GO General Office. Adjacent south (across 29th Street North) and abutting east and west properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant is requesting the vacation of the plattor’s text to amend the uses allowed in platted Reserves A and B, New Market Office 2nd Addition. Per the plattor’s text Reserves A and B are for the construction and maintenance of drainage, lakes, landscaping, sidewalks and utilities confined to easements. The vacation request will allow open space, recreation and signage, while retaining those uses as described in the plattor’s text. Stormwater has inlets, conduit, outfalls, detention basins and other equipment located in both of these reserves. There are no franchised utilities located within the platted reserves outside of the easements located with said reserves. Per the plattor’s text the reserves are owned and maintained by an owners association; this will not change. The New Market Office 2nd Addition was recorded May 19, 2011.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the plattor’s text to amend the uses allowed in the described platted reserves and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the plattor’s text to amend the uses allowed in Reserves A and B, New Market Office 2nd Addition. The uses permitted will be for the construction and maintenance of drainage, lakes, landscaping, sidewalks, utilities confined to easements, open space, recreation and signage as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including fire hydrants, a water line and water valves. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants’ expense.

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

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the plattor’s text to amend the uses allowed in Reserves A and B, New Market Office 2nd Addition. The uses permitted will be for the construction and maintenance of drainage, lakes, landscaping, sidewalks, utilities confined to easements, open space, recreation and signage as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including fire hydrants, a water line and water valves. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants’ expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

CASE NUMBER: VAC2015-00025 - City request to vacate a platted sidewalk easement

OWNER/APPLICANT: UST, LLC, c/o Gary Oborny (owner/applicant)

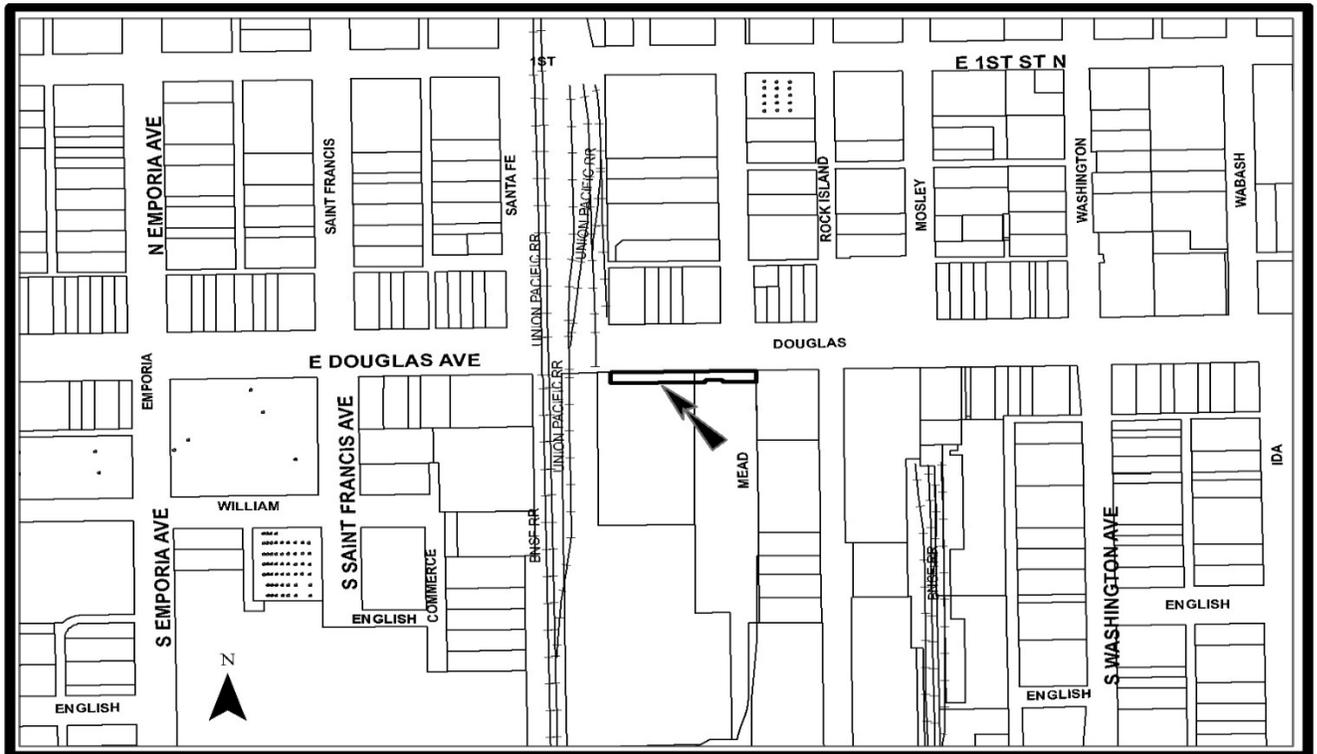
LEGAL DESCRIPTION: Generally described as vacating the east-west platted sidewalk easement running parallel to the north property line of Lot 1, Union Station Addition, Sedgwick County, Kansas.

LOCATION: Generally located west of Washington Avenue on the south side of Douglas Avenue (WCC #I)

REASON FOR REQUEST: Future development; associated with CON2015-00017

CURRENT ZONING: The site and all abutting and adjacent properties are zoned CBD Central Business District.

VICINITY MAP:



The applicant proposes to vacate the east-west platted sidewalk easement running parallel to most of the north property line of Lot 1, Union Station Addition. It appears that the north most portion of the original Union Station Addition became part of the Douglas Avenue right-of-way, which reduced the size of the sidewalk easement. There is sidewalk located within the Douglas Avenue right-of-way that runs parallel to the subject easement; the vacation request will not impact the existing sidewalk. The vacation is associated with CON2015-00017, a Conditional Use for an outdoor nightclub in the city. Public Works has water and stormwater lines, valves, nodes and conduit (running north-south) located in a north-south platted utility easement located within the subject easement. Westar has utilities in the Douglas Avenue right-of-way; Shane Price, Supervisor, Construction Services is the representative for this area and can be contacted at 261-6315. The Union Station Addition was recorded with the Register of Deeds March 2, 1982.

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

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted sidewalk easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.

- (3) Provide a legal description of the vacated side walk easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide a legal description of the vacated side walk easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

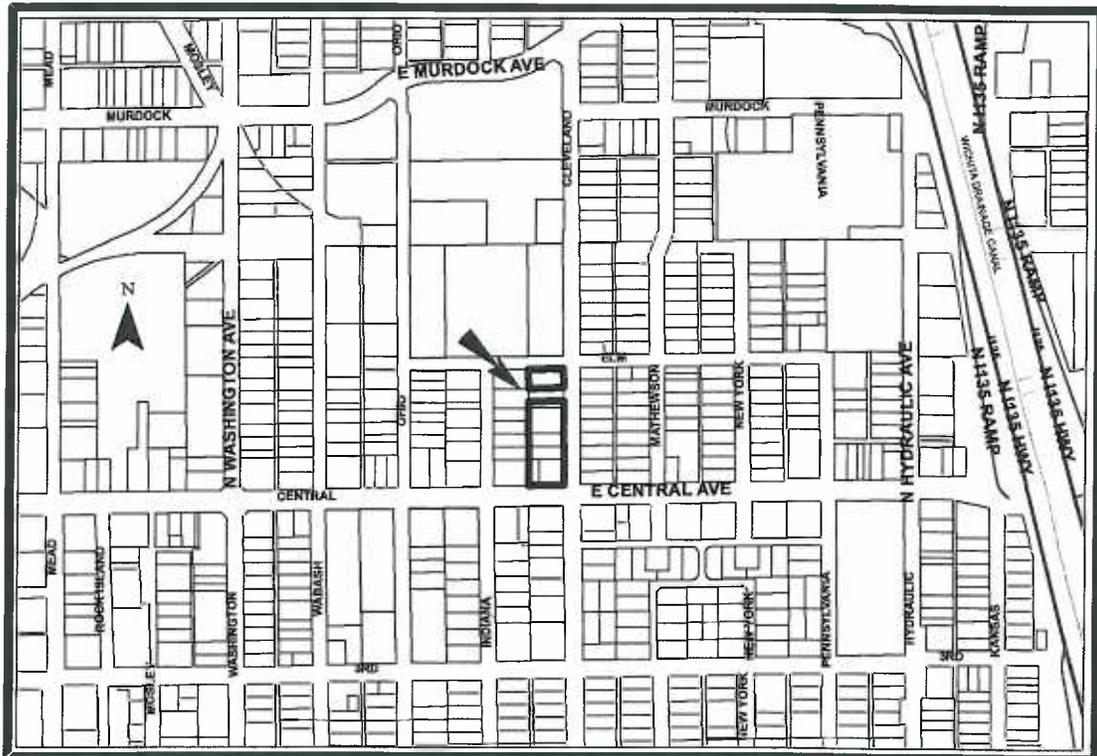


STAFF REPORT

DAB I July 6, 2015

MAPC July 9, 2015

- CASE NUMBER:** CON2015-00015
- APPLICANT/AGENT:** Armando Michel (applicant/owner) Ted Knopp (agent)
- REQUEST:** Conditional Use to allow a nightclub within 300 feet of a residential zoning district
- CURRENT ZONING:** LI Limited Industrial
- SITE SIZE:** One-acre plus
- LOCATION:** Generally located west of Hydraulic Avenue, between Indiana and Cleveland Avenues on the north side of Central Avenue
- PROPOSED USE:** Nightclub within 200 feet of residential



BACKGROUND: The applicant proposes a nightclub in the city and an as needed event center for weddings, anniversaries, graduations, company celebrations, art shows, concerts and similar events on the LI Limited Industrial zoned site; see Exhibit B. These events could have the serving of food and cereal malt beverage or alcoholic liquor. The possibility of the on-site serving and consumption of cereal malt beverage or alcoholic liquor and music and dancing defines the request as a nightclub in the city. Nightclubs are a permitted use in the LI zoning district. However, if a nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district the Unified Zoning Code (UZC) requires consideration of a Conditional Use. A LI zoned church abuts the northwest side of the site and B Multi-Family Residential zoned single-family residences are located 65 feet east of the site, across Cleveland Avenue, thus the Conditional Use request. Approval of a nightclub would allow the applicant unlimited liquor sales. Approval of a night club would appear to allow the first nightclub along this section of Central Avenue, as defined by Hydraulic Avenue on the east side to the raised railroad tracks and Santa Fe Avenue on the west side.

The one-acre plus site is located on the north side of Central Avenue and on the west side of Cleveland Avenue. The character of the surrounding area is a mixture of GC General Commercial and LI zoned small commercial uses located along Central Avenue, with LI and GC zoned limited industrial uses located behind the commercial. LI zoning is the dominant zoning in the area. Development in the area includes, but is not limited to, a used car sales lot, offices, office-warehouses, small restaurants, auto repair, auto paint and body, a bike seller, etc. A LI zoned steel products facility and storage yard is located north and northwest of the site, across Elm Street, and is the largest development in the area. Older (built 1910-1920) B, GC and LI zoned wood frame single-family residences are also located behind the commercial development along Central Avenue and to the west, east and north of the site. The residences in this area show significant decline. There are also vacant lots and vacant buildings located in the area. A cluster of B zoned brick duplexes (built 1940) are located a half-block south of the site. Three blocks west of the site, on the southeast side of Central and Pennsylvania Avenues, is the B and GC zoned Washington Elementary School with a significant recent, 2003, addition and improvements.

The applicant's site plan shows 103 parking spaces. An on-site inspection found paved parking of maybe 24 spaces. The rest of the proposed parking area is vacant except for markers separating the applicant's proposed parking from another property owner's vacant property, which splits/separates the applicant's proposed parking. This separation means that the north most parking area will not have direct access to an arterial road, Central Avenue, but will access off of the residential streets, Cleveland Avenue and Elm Street. The UZC requires all parking areas, loading areas and driveways on all developments other than low-density residential developments to be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris; a variance is required to waive this standard. The applicant does not give an occupancy limit for the proposed night club nor does the site plan give the size of the proposed nightclub. The UZC requires one parking space per two occupants for a nightclub; as presented the determination of required parking cannot be made at this time. The applicant owns several other buildings located on the east side of the proposed nightclub. These businesses or future

businesses will need to share the parking that the applicant is proposing, which further complicates the determination of the final parking requirement.

CASE HISTORY: The Conditional Use application area, Lots 2-26 (even), and Lots 32, 34 and 36, all on Cleveland Avenue, Corwins Addition, was recorded with the Register of Deeds on April 29, 1886. The proposed nightclub building was built in 1955. CON2004-00042 was a Conditional Use request to allow a nightclub within 200 feet (the standard at the time) of a residential zoning. Planning recommended denial of the request and the MAPC denied the request at the January 27, 2005 meeting. At the time of the CON2004-00042 request, the application area was permitted for a dance hall/cabaret, but could not sell or serve alcohol. The current UZC (July 9, 2009) does not define a dance hall or cabaret.

Staff has received calls protesting the use. The applicant has provided a list of 16 businesses/individuals that support the applicant's 'Request to support improvements on 1320 E Central' form letter; Exhibit A. 14 of those supporters are not listed on the ownership/notification list of those property owners located within 350 feet of the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	LI, GC, B	Steel products facility and storage, vacant land, single-family residences, vacant residences
SOUTH:	LI, GC, B	Vacant building, small restaurants, auto repair, auto body and paint, small offices, office-warehouse, small retail, duplexes
EAST:	B, GC, LC	Single-family residences, vacant land and buildings, church, vehicle sales, small offices, small retail
WEST:	LI	Office-warehouse, single-family residences, church, vacant land, public school

PUBLIC SERVICES: The subject property fronts Central Avenue, which is a five-lane arterial street with an 80-foot right-of-way at this location. Cleveland and Mathewson Avenues are local streets with a 60-foot right-of-way. The 2030 Transportation Plan designates that Central will remain a five-lane arterial. The subject property has all other public utilities.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Map of the Comprehensive Plan" identifies the portion of the site where the building is located as appropriate for "local commercial" development and most of the parking area as appropriate for "employment/industrial" development. Local commercial development does not have a significant regional draw that generates a high volume traffic. The range of uses include medical or insurance offices, auto repair and service stations, grocery stores, restaurants and personal service facilities. Employment/industrial development has concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The site's LI zoning is appropriate for employment/industrial category, but it is not appropriate for local commercial development, which is what the building site is categorized. Because the proposed nightclub is located within 300 feet of a church and B zoned

single-family residences a Conditional Use is required.

The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Comprehensive Plan Objective II.B. is to “Minimize the detrimental impacts of higher intensity land uses and transportation facilities located near residential living environments.” Most of the site will have direct access onto the arterial street Central Avenue. However another property owner’s vacant property, splits/separates the applicant’s proposed parking. This separation means that the north most parking area will not have direct access to an arterial road, Central Avenue, but will access off of the residential streets, Cleveland Avenue and Elm Street.

The site is located within the “McAdams Neighborhood Revitalization Plan,” which shows the portion of the site fronting Central Avenue as suitable for ‘general retail’ and the parking area as ‘general industrial/warehousing.’ The site’s LI zoning is less restrictive the Plan’s general retail designation but is a match for the Plan’s general industrial/warehousing designation. The proposed night club fits into either of the Plan’s use designations with consideration of a Conditional Use.

RECOMMENDATION: Protesters have contacted the MAPD in opposition to the requested Conditional Use for nightclub. Opposition cites concerns regarding the potential for illegal and dangerous activity from the proposed nightclub and associated parking. Since the previous request for a nightclub at this site, CON2004-00042, the most recent development in the area appears to remain the 2003 investment into Washington Elementary School. Improvements in the surrounding housing appears to be minimal resulting in a B, GC and LI zoned deteriorating residential neighborhood that could be absorbed by surrounding commercial and industrial uses in the future. Based upon information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a night club in the city be APPROVED, with the following conditions:

- A. The site for a nightclub shall be developed in conformance with an approved site plan. A site plan must be approved within 90 days of approval by the appropriate governing body for review of the Conditional Use shall be declared null and void. The site plan shall include, but not limited to, the occupancy of the nightclub (and the size), as posted by the Fire Marshall (see condition E), landscaping, internal circulation and access as approved by Fire, and showing how much parking is required and provided for the night club and the applicant’s other buildings and businesses.
- B. No outdoor entertainment, music, no outdoor speakers, recreation, food or drink services are permitted on the site.
- C. Activities for the nightclub shall not be permitted until all required permits and inspections for the facility are finished including the paving and marking of the parking lot. Plans for the paving of the parking lot will include a drainage plan reviewed and approved by Public Works/Stormwater. All improvements for the night club shall be completed within one year of approval by the appropriate governing body or the Conditional Use shall be declared null and void.
- D. The applicants shall comply with all applicable development standards of the UZC, including

- but not limited to parking, screening, and landscaping.
- E. Occupancy for the nightclub hall shall not exceed the required parking for the night club and the applicant's other buildings and businesses.
 - F. The applicant shall obtain, maintain, and comply with all applicable permits and licenses necessary for the operation of a nightclub in the City.
 - G. 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 character of the surrounding area is a mix of LI, GC, and B zoned commercial, limited industrial and residential (mostly single-family) uses. A LI zoned steel products facility and storage yard is located north and northwest of the site, across Elm Street, and is the largest development in the area. Since the previous request for a nightclub at this site, CON2004-00042, the most recent development in the area appears to remain the 2003 investment into Washington Elementary School. Improvements in the surrounding housing (built 1910-1920) appears to be minimal resulting in a small B, GC and LI zoned deteriorating residential neighborhood that could be absorbed by surrounding commercial and industrial uses in the future.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently vacant and zoned LI which can accommodate office, retail, commercial and industrial land uses. Because the proposed night club is located within 300 feet of a church and B zoned single-family residences consideration of a Conditional Use is required.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Currently the sale of alcoholic beverages is prohibited on this site. Approval of this request would allow for unlimited liquor sales, which could have detrimental impacts on the surrounding residences, considering their proximity to the proposed nightclub and associated parking.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide Map of the Comprehensive Plan" identifies the portion of the site where the building is located as appropriate for "local commercial" development and most of the parking area as appropriate for "employment/industrial" development. Local commercial development does not have a significant regional draw that generates a high volume traffic. The range of uses include medical or insurance offices, auto repair and service stations, grocery stores, restaurants and personal service facilities.

Employment/industrial development has concentrations of employment of an industrial,

manufacturing, service or non-institutional nature. The range of uses include manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The site's LI zoning is appropriate for employment/industrial category, but it is not appropriate for local commercial development, which is what the building site is categorized. Because the proposed night club is located within 300 feet of a church and B zoned single-family residences a Conditional Use is required.

The site is located within the "McAdams Neighborhood Revitalization Plan," which shows the portion of the site fronting Central Avenue as suitable for 'general retail' and the parking area as 'general industrial/warehousing.' The site's LI zoning is less restrictive the Plan's general retail designation but is a match for the Plan's general industrial/warehousing designation. The proposed nightclub fits into either of the Plan's use designations with consideration of a Conditional Use.

A consideration for the denial of CON2004-00042 was that a portion of the site was designated as appropriate for 'low density residential' development on the "2001 Wichita Land Use Guide of the Comprehensive Plan." The "2030 Wichita Functional Land Use Guide Map of the Comprehensive Plan" has changed that designation as appropriate for "employment/industrial" development. This change is reflecting the "McAdams Neighborhood Revitalization Plan's" designation of general industrial/warehousing uses. This change may also be in recognition that because of the area being zoned predominately LI, low density residential development is unlikely because of close proximity to industrial zoning and uses.

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.

**ATTACHMENTS
TO
BUSINESS PLAN OF EL VAQUERO FRIENDS & FAMILY, LLC**

1. Ownership List
2. Parking Plan of Sandy Roberts, Architect
3. Site Plan of Armstrong Land Survey, P.A.
4. Requests to Support Improvements on 1320 E. Central, 67214
Dated March 23, 2015, signed by:
 - a. Donald Barnes, Tenant at 516 N. Cleveland;
 - b. Curtis Brewer, Owner, World Wide Transmissions 1407 E. Central;
 - c. Luis Castaneda, Owner Tacos don Pepe, 1475 E. Central;
 - d. Matthew Clagg, Owner, Rojidae Productions and Media/ICT Festival - Organizer, 427 N. Oliver;
 - e. Amy Curiel, Manager C. Centauro, 1423 E. Central;
 - f. Leah Danner-Garcia, Owner, The Nib: Freelance Technical Writing & Editing, 15615 E. 21st;
 - g. Laura Y. Dungan, Owner, Creative Change Consulting, 1440 Park Place;
 - h. Harry Funke, President, Morgan-Bulleigh, Inc. Upholstery, 1305 E. Central;
 - i. Thurman Jacques, TJ Detail Shop, 614 N. Cleveland;
 - j. Jennifer Loveland, Manager, KCNR, LLC, (Kansas Construction News Report) 230 S. Laura, Ste. 101;
 - * k. Curtiss Marlowe, Senior Pastor, Immanuel House of Faith, 542 N. Indiana;
 - l. Armando Minjarez, Co-Founder, Resident Artist, ICT Army of Artists/The Seed House-La Casa de la Semilla, 1407 N. Topeka;
 - m. Veronica Miranda, Director, North and Urban Arts Festival, 1104 W. 13th
 - * n. Billingsley Motor Company, LLC, 1406 E. Central
 - o. Bernestine Williams, Founder, Community Sewing Connection, 222 E. 14th N.
 - p. Bertha C. Zhao, Owner, Lara's Bookkeeping, 3042 N. Hood Ave.

* = Listed on ownership/notification list
for property owners within 350-Ft
of subject property

I am looking for your support and signature to be presented to the City of Wichita to have the approval to re-start the initial business that used to be on 1320 E. Central, Wichita, KS 6721

The sign shows: Selah, Restaurant and Family Entertainment.

Why is it important and critical for the area:

1. Will Improve the quality of the businesses and Neighbors around the area.
2. Will generate Jobs.
3. Will generate businesses that will bring taxes to City of Wichita, KS
4. It is located on a critical street and thousands of people pass that street on a daily Basis. Improvements or damage are very visible to general public.
5. More people who work in Down Town will have access to a Mexican Restaurant during lunch rush hour.
6. A lot of building in Wichita area being remodeled at this time and this one will support that growth and path to have a better Wichita Downtown look.
7. Will give a better experience to City of Wichita Visitors.
8. Wichita does not have enough event centers for Family parties like Weddings, Graduations, Anniversaries, people need to reserve one year ahead, in most cases.

The plan is to:

- 1.- Open a Mexican Buffet Restaurant during weekdays. It used to be a restaurant, since all the installation and layout for the kitchen is there, a buffet will make more sense because of the population and activities happening during the weekdays. Most people are business men and permission to serve liquor will bring a more attractive restaurant to enjoy and discuss business during lunch hours.
- 2.- During the weekend, use the place as an event center for Family parties like Weddings, Graduations, Anniversaries, Graduations, Company celebrations where people can bring their own food or we can prepare and serve. We are requesting to have the license to serve liquor on a very, very controlled manner, since the events we are planning to bring are the ones that improve the Family and Community values:

1.- For families: Weddings, Anniversaries, Graduations, Baptism celebrations, Baby Shower,
XV years Anniversaries, very common on Hispanic culture.

2.- For Businesses: Company events, celebrations.

3.- For Culture Grow in Wichita: Art and Music

Provide a place to show and promote Art and Music. We support the group:
ICT Army of Artist, they use Nomar last year, and would like to use El Vaquero
Family and Friends this year.

Do you support the improvements presented and planned on this letter:

Name: Curtis's Marlowe

Business Name: Immanuel House of Faith

Title: Senior Pastor

Address: 542 N Indiana St Wichita KS 67214

Signature: Curtis's Marlowe

I really appreciate your support, because together we can build a better business area in Cleveland /
Central area. Wichita, KS

Armando Michel

Cellular: 316-617-5812

Owner

**REQUEST TO SUPPORT IMPROVEMENTS ON
1320 E. CENTRAL WICHITA, KS 67214**

3/23/2015

I, Armando Michel the owner of the commercial building located on the northwest corner of intersection of street Central and Cleveland, Wichita, KS would like to have your point of view on the Improvements I have done on the northwest corner of Central and Cleveland Street since the 2010.

Address: 509 Cleveland St. Wichita, KS 67214. Replace broken glasses, repair canopy, painted. Clean.

Address: 511 Cleveland St. Wichita, KS 67214. Replace broken glasses, repair canopy, painted. Clean.

Address: 1326 E Central Ave. Wichita, KS 67214. Replace broken glasses, repair interior and prepare

business to do screen printing on T-Shirts

Maintain Clean.

Address: 1324 E Central Ave. Wichita, KS 67214 Replace broken glasses, painted. Maintain Clean.

Address: 1322 E Central Ave. Wichita, KS 67214 Replace broken glasses, painted. Maintain Clean.

Address: 1320 E Central Ave. Wichita, KS 67214 Paint and repair interior of building.

The parking lot on the building has been cleaned, trash, removed and parking lines repainted.

The Concrete behind the building removed and new installed. Concrete installed on walkway where dirt and grass use to be.

In general, the building look has improved and gives a better look for the people doing business, passing by and living around the area.

On 2010, when I bought the building I had in mind to fix it and rent for new businesses to come to work on this area, but enough money to fix it has not been available to do it.

✓ 1.- For families: Weddings, Anniversaries, Graduations, Baptism celebrations, Baby Shower,
XV years Anniversaries, very common on Hispanic culture.

✓ 2.- For Businesses: Company events, celebrations.

✓ 3.- For Culture Grow in Wichita: Art and Music

Provide a place to show and promote Art and Music. We support the group:

ICT Army of Artist, they use Nomar last year, and would like to use El Vaquero

Family and Friends this year.

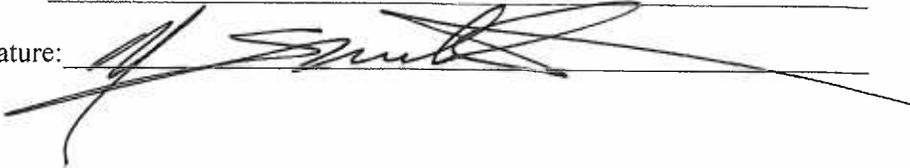
Do you support the improvements presented and planned on this letter

Name: Billingsley Motor Co LLC

Business Name: 1406 E Central

Title: OWNER

Address: _____

Signature: 

I really appreciate your support. Because together we can build a better business area in Cleveland /
Central area. Wichita, KS

Armando Michel

Cellular: 316-617-5812

Owner

Exhibit B

**BUSINESS PLAN AND JUSTIFICATION
FOR CONDITIONAL USE PERMIT OF
ARMANDO MICHEL
FOR OPERATION OF NIGHTCLUB AT 1320 EAST CENTRAL AVENUE
WITHIN 200 FEET OF RESIDENTIAL ZONE
BY EL VAQUERO FAMILY & FRIENDS, LLC**

The Applicant, Armando Michel, intends to lease the subject property to El Vaquero Family & Friends, LLC ("El Vaquero"). El Vaquero means "The Cowboy." El Vaquero is a business venture of Juana Gillis, Jorge Rojas, and Armando Michel. The building is located at 1320 E. Central Avenue. The Applicant owns an existing event center, dance hall, and banquet space in 1320 E Central Ave. Also located on the subject property, *but not a part of the application*, are the following separate premises:

1322 E Central Ave.
1324 E Central Ave.
1326 E Central Ave.
509 N Cleveland Ave.
511 N Cleveland Ave

These premises are configured for small commercial users and will not be part of the night club use covered by this conditional use permit.

1320 E Central Ave is configured as an event center, banquet hall, or dance hall, currently without food or alcohol. El Vaquero will commence full service night club and banquet services in stages. In the first phase, the building will be used as an event center for birthdays, graduation parties, weddings, Quinceañeras and community events. The building already has hosted an art exhibition by *ICT Army of Artists*. The group recently held an art exhibition in the building that was both well-attended and well-received. The building will offer live or DJ music for private events and is intended to be a family-friendly place.

Initially, the kitchen will not be open, but food can be catered or brought into the facility. Similarly, initially alcohol will not be provided by the proprietors.

When the business is fully operational, perhaps by Summer 2015, the business will offer a Mexican buffet during daytime hours Monday through Friday from 11:00 O'clock a.m. to 2:30 p.m., and Saturday 11:00 O'clock a.m. to 3:00 O'clock p.m. In the evenings, the facility will remain available for special events reserved by others and for special events hosted by El Vaquero, such as live dance music or an art shows of ICT Army of Artists. The center also may host weekend musical performances.

Previously, a request was made for night club use in Case no. 2004-00042. The application was not fully developed, created concerns among the neighbors, and was denied Times have changed. The

Old Town and Mid-Town areas have become a vibrant and valued part of the community. The North Market ("NoMar") district surrounding 21st and Market has brought additional Hispanic culture, identity and interest to the area. A small event center and night club serving the area is a valued addition to East Central Avenue. The Applicant has made great efforts to explain his plans and to enlist community support. Submitted with the Application are numerous Requests to Support Improvements on 1320 E. Central, signed by neighbors, patrons, and customers in the vicinity. Many of these neighbors previously were *opponents* of the prior conditional use permit, but now *support* the plans of the Applicant. The Applicant has gone to great length to reach out to the community, to explain his plans, to satisfy the community as to Applicant's plans and commitments, and to generate support for revitalizing this building.

An event center such as is planned by Applicant would contribute to the revitalization of the East Central Ave. corridor and provide a community resource for the Midtown and NoMar districts of Wichita.

Planning staff previously has noted that surrounding housing has been deteriorating and could be converted to commercial or industrial uses in the future. However, the proposed use also may provide a needed community service, employment opportunities, and reinvestment and revitalization for the neighborhood, thereby supporting and even enhancing property values both for housing and commercial uses. Because the Applicant is providing abundant on-site parking, and auxiliary parking, neighbors appear convinced there will be no detrimental impacts on the neighborhood from the use. Furthermore, because the intended use is for special events with a family focus, in-filling unused weekend dates with traditional dance hall (nightclub) and special events, there should be no deleterious impact from granting the night club permit.

In addition to the subject property, Applicant has contracted to purchase the following property:

Lot 26, 32, 34 and 36 on Cleveland, Corwin's Addition, Wichita,
Sedgwick County, Kansas

commonly known as 529 and 535 N. Cleveland, Wichita, Kansas.;

and

Lots 16, 17, 18 & 19 Shirks Addition, Wichita, Sedgwick County,
Kansas,

located at the southeast corner of Elm and Cleveland.

These properties are located on the Southwest and Southeast corners of Cleveland Avenue and Elm Street and will be available for use as auxiliary parking, thereby eliminating adverse effects of on-street

parking extending into surrounding neighborhood.

Furthermore, Applicant is negotiating to purchase the last remaining lots on the west side of Cleveland between Central Avenue and Elm Street:

Lots 28 and 30 on Cleveland, Corwin Addition, Wichita, Sedgwick
County, Kansas.

commonly known as 533 N. Cleveland Avenue, Wichita, Kansas;

If successful, Applicant will have available for future auxiliary parking use all of the land lying between Elm Street and Central Avenue on the West side of Cleveland Avenue, plus land on the Southeast corner of Cleveland Avenue and Elm Street.

Applicant has invested heavily in avoiding and mitigating adverse impacts on the community, and in cultivating support for Applicant's plans for the subject property.

Attached are a proposed parking plan by Sandy Roberts, architect, configured to provide 85 parking spaces on the subject property.

Also attached is a Site Plan prepared by Armstrong Land Surveying. It incorrectly shows parking on Lot 26, on Cleveland, Corwin's Addition as part of the parking plan, while the subject property does not include Lot 26. While Lot 26 and Lots 32, 34, & 36, on Cleveland, Corwin's Addition, are available for auxiliary parking, they are *NOT* initially included in the application for Conditional Use Permit.

Applicant reserves a decision on the configuration of parking until occupancy load for the building is established.

Page 1
 Site Plan
 (south side)

Sandy Roberts
 SCALE 1/4" = 20'-0"

APPR

325'-0"

lot 10/12

lot 14/16

lot 18/20

lot 22/24

26

STOR.

PROJ. LOCATION

1320

3 SPACES

HC

HC

HC

14 SPACES

7 SPACES

6 SPACES

6 SPACES

12 SPACES

12 SPACES

69'-0"

75'

174 SF

Parking = 10 SPACES

Open = 24

(24)

(49)

1562 SF

2 SPACES

11 SPACES

12 SPACES

26

20'-0"

55'-8"

24' APPR

Clear Land

APPR

CENTRAL Avenue

325'-0"

Part

lot 14/16

STOR.

HC

HC

3 SPACES

lot 18/20

14 SPACES

lot 22/24

6 SPACES

6 SPACES

12 SPACES

12 SPACES

2 SPACES

11 SPACES

lot 26

24' APPR

lot 30

lot 32

15 SPACES

lot 34/36

15 SPACES

exist'g.
24'
APPRO.

(290)

(49)

(24)

Clear Land

24' APPR

69

20'-0"

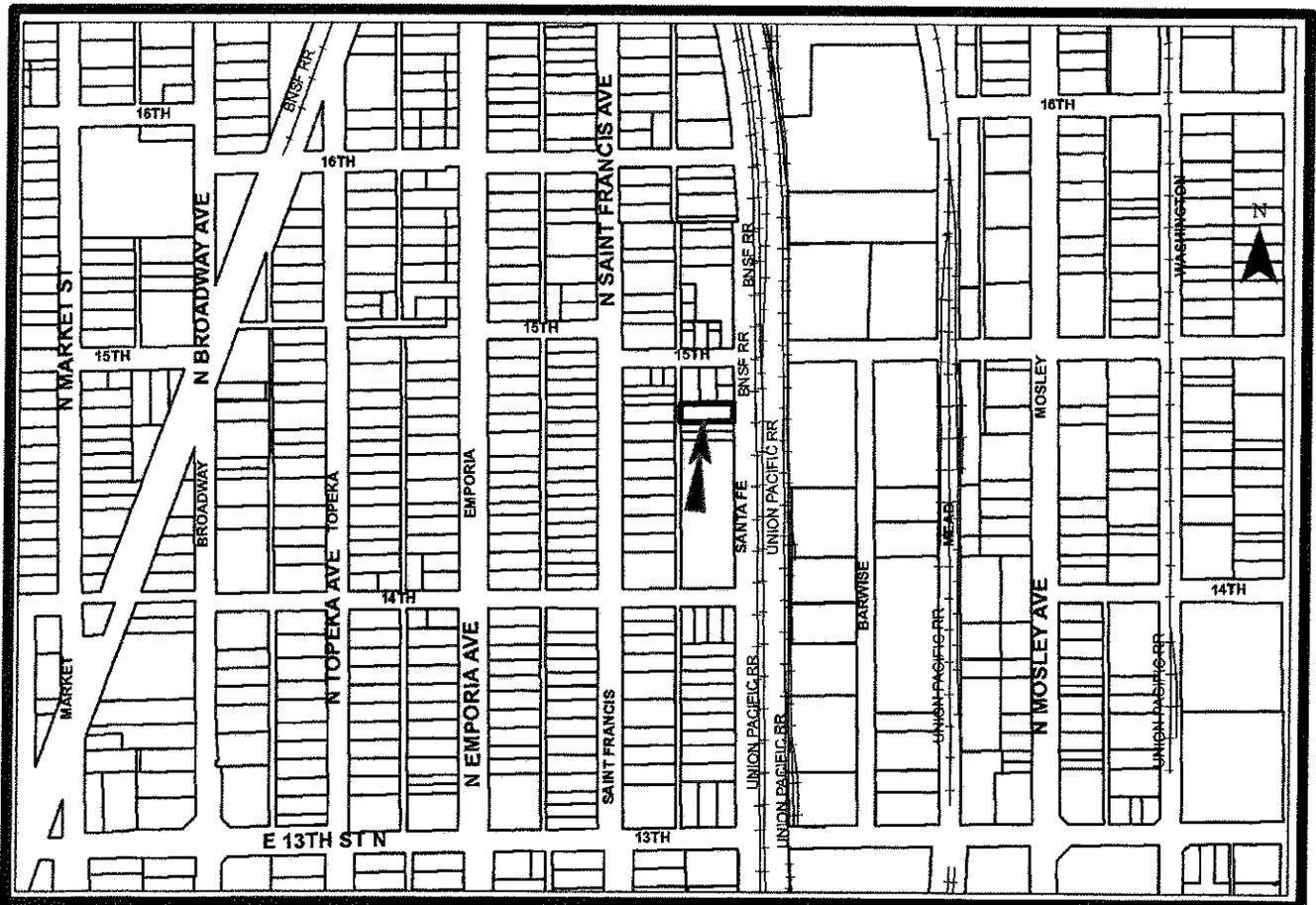
Page 2 Site Plan
(North Side)



STAFF REPORT

MAPC July 9, 2015
DAB VI July 6, 2015

- CASE NUMBER:** ZON2015-00021
- APPLICANT/AGENT:** Carrillo Cearapio, owner
- REQUEST:** LI Limited Industrial zoning
- CURRENT ZONING:** B Multi-Family zoning
- SITE SIZE:** Approximately 0.16 acre
- LOCATION:** Generally located 100 feet south of 15th Street on the west side of North Santa Fe



BACKGROUND: The applicant is requesting Limited Industrial (LI) zoning for lots 37-39 North Park Addition, approximately 0.16-acre, which is currently zoned B Multi-Family residential. The site is located 100 feet south of 15th Street North on the west side of North Santa Fe and is undeveloped.

The North Park Addition was platted in February 1886 with 15-foot wide alley and 25-feet by 142-feet lots. Originally developed with single family residences, by 1968 the properties in the 1400, 1500 and 1600 blocks on North Santa Fe were beginning to transition to industrial/manufacturing uses. There are only six single-family residences that remain in this three-block area. The TF-3 residential use to the west of the subject property still retains residential uses, but there has been demolition leaving only eight residential structures in the 1500 block of North St. Francis.

CASE HISTORY: The site consists of Lots 37-39, North Park Addition, which was recorded with the Sedgwick County Register of Deeds in February 1886.

ADJACENT ZONING AND LAND USE:

NORTH: LI storage of construction materials
SOUTH: LI steel fabrication
WEST: TF-3 Single-family residential
EAST: LI BNSF elevated railroad, active tracks

PUBLIC SERVICES: The site has access to North Santa Fe Avenue, a paved local street. Santa Fe Avenue varies in width from 30-feet to 43-feet and is 40-feet wide at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as "Employment/Industry Center." This category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.

RECOMMENDATION: This request provides the ability of the current property owner to redevelop the lots. Leaving the property zoned as B-Multi-Family significantly limits the economic benefit to the owners. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The property to the north and south of the subject site is zoned LI and is being used for steel fabrication and construction warehousing. There is no other residential use in the 1500 block of North Santa Fe.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The B-Multi-Family zoning district is an obsolete use for this location. The 1400, 1500 and 1600 blocks along North Santa Fe are more than 50% transitioned to industrial/warehousing.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The request would not significantly impact the immediate area, as LI uses already abut the residential sites located to the west of the site along the entire block.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The approval of the zone change to LI would not allow the property to be used for residential purposes. The current B Multi-Family zoning does not allow for any use other than residential to be redeveloped. Approval of the request would limit development by right to those enumerated in the Unified Zoning Code (UZC) which includes commercial, manufacturing, fabrication, outdoor storage and some institutional uses such as a parks, schools and churches.

- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The zone change to LI conforms to the identified land use in the 2030 Comprehensive Plan.
- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure.



STAFF REPORT

MAPC July 9, 2015
DAB II July 13, 2015

CASE NUMBER: ZON2015-00022

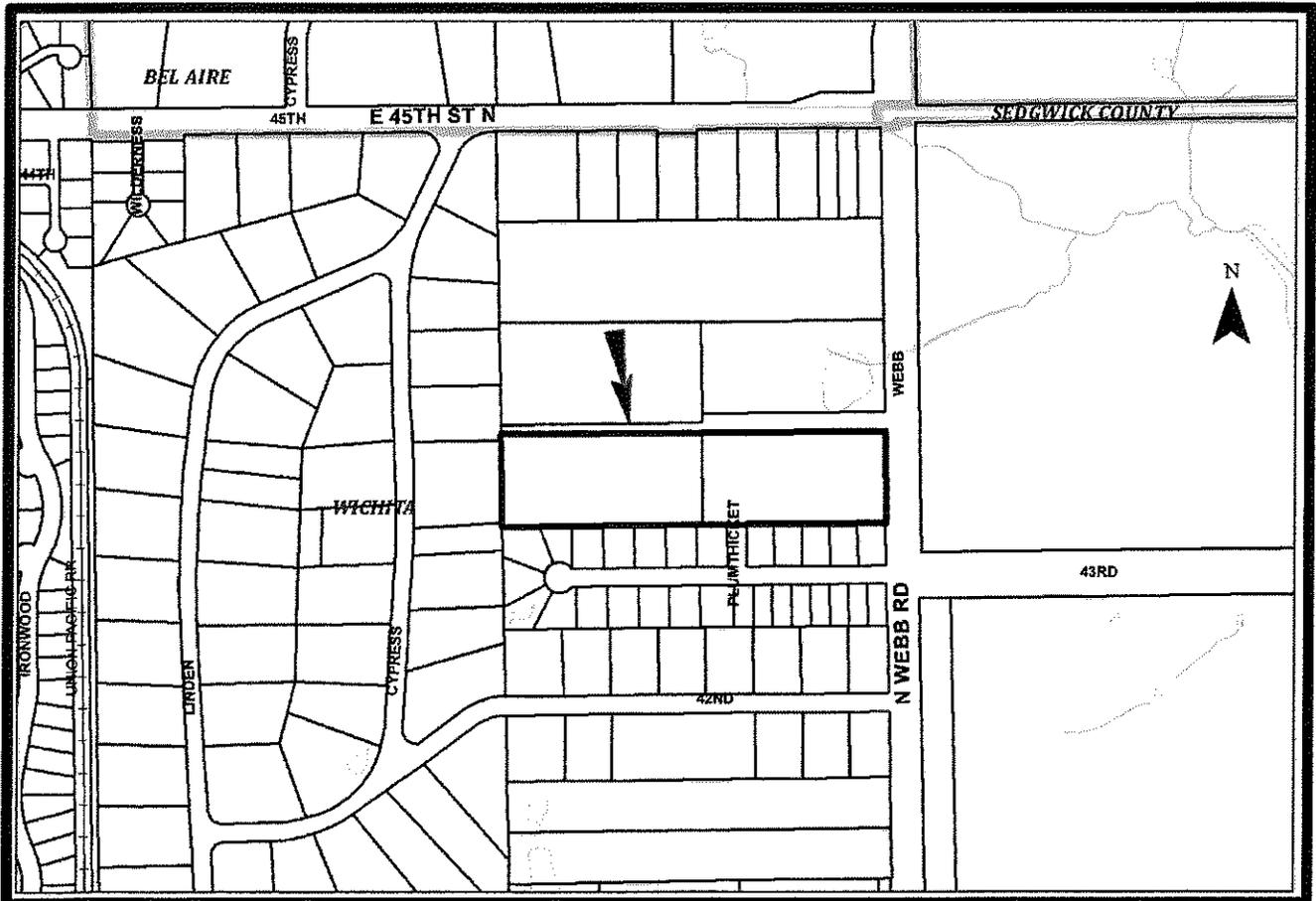
APPLICANT/AGENT: Basem Krichati (owner) Craig Harms (Agent)

REQUEST: TF-3 Two-Family Residential zoning

CURRENT ZONING: SF-5 Single-Family Residential zoning

SITE SIZE: Approximately 8.71 acres

LOCATION: Generally located 980 feet south of 45th Street North on the west side of North Webb Road, north of 43rd Street North.



BACKGROUND: The applicant is requesting a zone change from Single-Family Residential (SF-5) to Two-Family Residential (TF-3) zoning on approximately 8.71 acres of unplatted land. The applicant has submitted a plat for the Edge Water 2nd Addition (SUB2015-00021) and proposes building a maximum of 38 duplexes on the property.

South of the subject site is the SF-5 zoned Sand Plum Addition with houses built between 2005 and 2012. West of the subject site is the Sunair Estates single-family residential neighborhood. North of the subject site is undeveloped and unplatted SF-5 zoned property. East of the site is a 43-acre SF-5 zoned tract of land developed with a single family house and farm outbuildings.

CASE HISTORY: The site is located within the city limit of Wichita and consists of 8.71 acres on the west side of North Webb Road south of 45th Street North. Staff has received no calls expressing concerns about the proposed duplexes.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residential, undeveloped
SOUTH: SF-5	Single-family residential, Sand Plum Estates
WEST: SF-5	Single-family residence and vacant lot, Sunair Estates
EAST: SF-5	Single-family residence

PUBLIC SERVICES: The site has access to North Webb Road, a four-lane arterial. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The TF-3 zoning district allows single-family residence, duplexes and some (but not limited to) institutional uses such as a parks, schools and churches by right. As such, the TF-3 zoning district conforms to the urban residential category.

RECOMMENDATION: This request provides a residential development opportunity that is not uncommon for multiple (more than an acre) undeveloped lots of SF-5 zoned subdivisions located on the edges of the city. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The site is located in a predominately SF-5 zoned single-family residential neighborhood. SF-5 zoned single-family residences (built in the late 1950s and 2005-2012) surround the site.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** TF-3 zoning would allow single-family residences and duplexes to be built which is an appropriate use for urban residential development.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. There is TF-3 zoning within one mile of 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:** Approval of the request would limit development by right to

and churches.

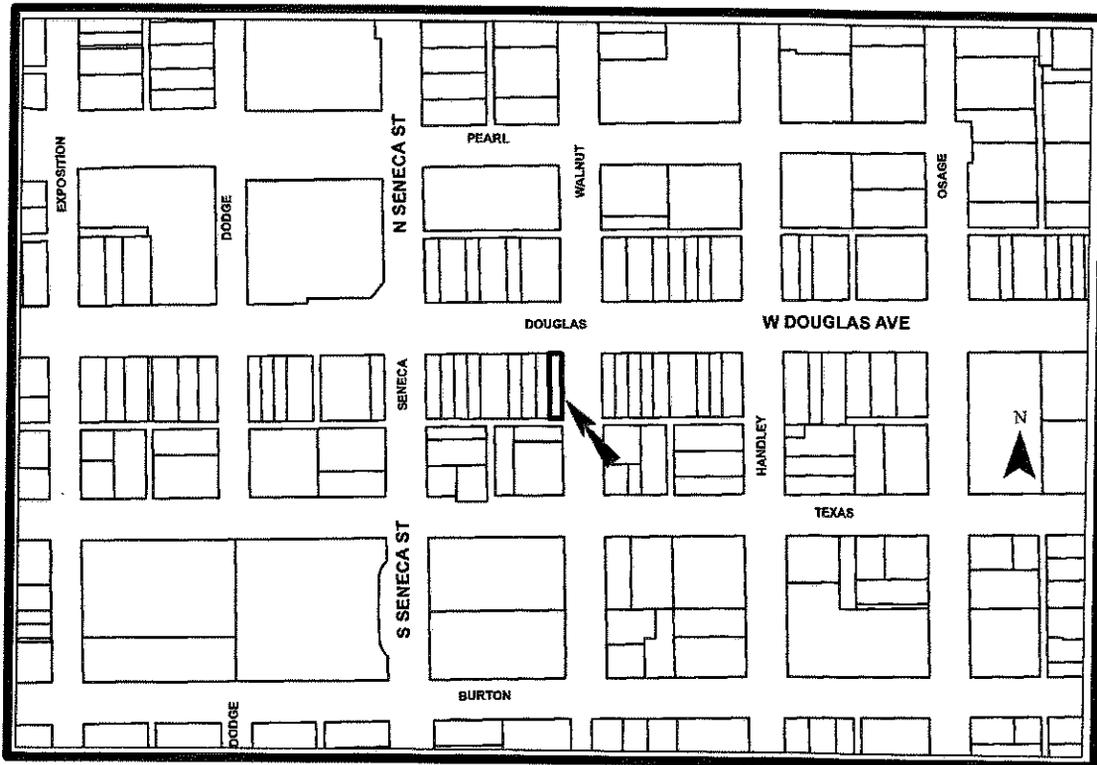
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The TF-3 zoning district allows single-family residence, duplexes and some (but not limited to) institutional uses such as a parks, schools and churches by right. As such, the TF-3 zoning district conforms to the urban residential category.
- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure.



STAFF REPORT

MAPC July 9, 2015
DAB IV July 6, 2015

- CASE NUMBER:** ZON2015-00023
- OWNER/APPLICANT:** Carl Hebert (owner/applicant)
- REQUEST:** Central Business District (CBD)
- CURRENT ZONING:** LC Limited Commercial
- SITE SIZE:** Approximately 0.7-acres
- LOCATION:** Generally located east of Seneca Street on the southwest corner of Douglas Avenue and Walnut Street (WCC #VI)
- PROPOSED USE:** Future development opportunities



BACKGROUND: The applicant is requesting a zone change from LC Limited Commercial to CBD Central Business District on the subject site located on the southwest corner of Douglas Avenue and Walnut Street; Lot 20, Chicago now Douglas Avenue, West Wichita Addition. The site is located in (and subject to) the Delano Overlay Neighborhood District (D-O). The brick two-story downtown row store (built 1900) currently is occupied by a retail motor cycle parts sales store. The property owner is anticipating the retirement of the owner of the motorcycle parts store and a possible change in business. The CBD zoning district more effectively resolves such issues as parking and setbacks that could be triggered by a change in occupancy. This is the third application for CBD zoning in the D-O along Douglas Avenue. Previously ZON2014-00030 and ZON2013-00038 were approved by the MAPC. In the previous two zoning cases and the current request a lack of on-site parking was an issue.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were no requirements for property owners to provide on-site parking. Therefore, many of the uses in the Delano District do not have on-site parking, but have relied on parking located on public street right-of-way to support their businesses. Some of the business owners in the district have purchased additional property that provide on-site parking for their businesses; this does not appear to be an option for this site.

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

This section of Douglas Avenue is characterized by the prevalence of brick one to two-story downtown row stores mostly built in the early 1900s. All buildings along this section of Douglas Avenue were built up to the property lines, with no setbacks. LC and LI Limited Industrial zoned restaurants, a dance studio, retail, and offices abut and are adjacent to the west side of the subject site. A LI zoned parking lot abuts the south the side of the subject site. LI zoned business adjacent to the southwest and southeast side of the site include a barber supply business, a single-family residence, an office and the Regional Historic site Engine House #4. East of the site, across Walnut Street, there are LI and LC zoned tattoo business, a pool hall, a restaurant, a bakery, a parking lot and offices. North of the site, across Douglas Avenue, are LI and LC zoned restaurants, vacant buildings, office, a bike shop, and a convenience store are located. A CBD zoned (ZON2004-00030) vacant building is also located north of the site, across Douglas Avenue. It is not uncommon to have apartments located in the second story of these buildings, with the commercial uses located on the ground floor.

CASE HISTORY: The site, Lot 20, Chicago now Douglas Avenue, West Wichita Addition, which was recorded with the Register of Deeds on August 5, 1872. Wichita was platted in 1870 and incorporated in 1871.

ADJACENT ZONING AND LAND USE:

NORTH: LI, LC, CBD	Restaurants, vacant buildings, office, bike shop, convenience store
SOUTH: LI	Parking lot, barber supply business, single-family residence, office, Regional Historic site Engine #4
EAST: LI, LC	Tattoo business, a pool hall, a restaurant, a bakery, parking lot, offices, second story apartments
WEST: LI, LC	Restaurants, dance studio, retail, offices, second story apartments

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access to the arterial street, Douglas Avenue, which has 100 feet of right-of-way and the local street, Walnut Street, which has 80 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. LC zoning is generally compatible with the "local commercial" 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 Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above.

The requested CBD zoning is the appropriate zoning for this site, which is located west (across the Arkansas River) of the original CBD zoned core of downtown Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area. This is the third application for CBD zoning in the D-O along Douglas Avenue. Previously ZON2014-00030 and ZON2013-00038 were approved by the MAPC.

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

This recommendation is based on the following findings:

- (1)The zoning, uses and character of the neighborhood: This section of Douglas Avenue is characterized by the prevalence of brick one to two-story downtown row stores mostly

built in the early 1900s. All buildings along this section of Douglas Avenue were built up to the property lines. LC and LI Limited Industrial zoned restaurants, a dance studio, retail, and offices abut and are adjacent to the west side of the subject site. A LI zoned parking lot abuts the south the side of the subject site. LI zoned business adjacent to the southwest and southeast side of the site include a barber supply business, a single-family residence, an office and the Regional Historic site Engine House #4. East of the site, across Walnut Street, there are LI and LC zoned tattoo business, a pool hall, a restaurant, a bakery, a parking lot and offices. North of the site, across Douglas Avenue, are LI and LC zoned restaurants, vacant buildings, office, a bike shop, and a convenience store are located. A CBD zoned (ZON2004-00030) vacant building is also located north of the site, across Douglas Avenue. It is not uncommon to have apartments located in the second story of these buildings, with the commercial uses located on the ground floor.

(2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, subject to the D-O Overlay, which permits a wide range of uses – single-family, multi-family, office and retail sales. Surrounding property is zoned similarly as the subject site. As currently zoned, the site could likely be put to economic use.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a broader range of commercial uses; however, the D-O district prohibits a significant range of uses regardless of a site’s base zoning. The D-O district also requires a substantial number of uses to obtain “conditional use” approval even though the use may be a permitted use by the base zoning district: car wash, manufacturing, warehousing or wholesale or business services. Because of the overlay zoning district, approval of the request should not negatively impact nearby uses.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. LC zoning is generally compatible with the "local commercial" 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 Delano Neighborhood Plan indicates the site is appropriate for commercial mixed

uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above.

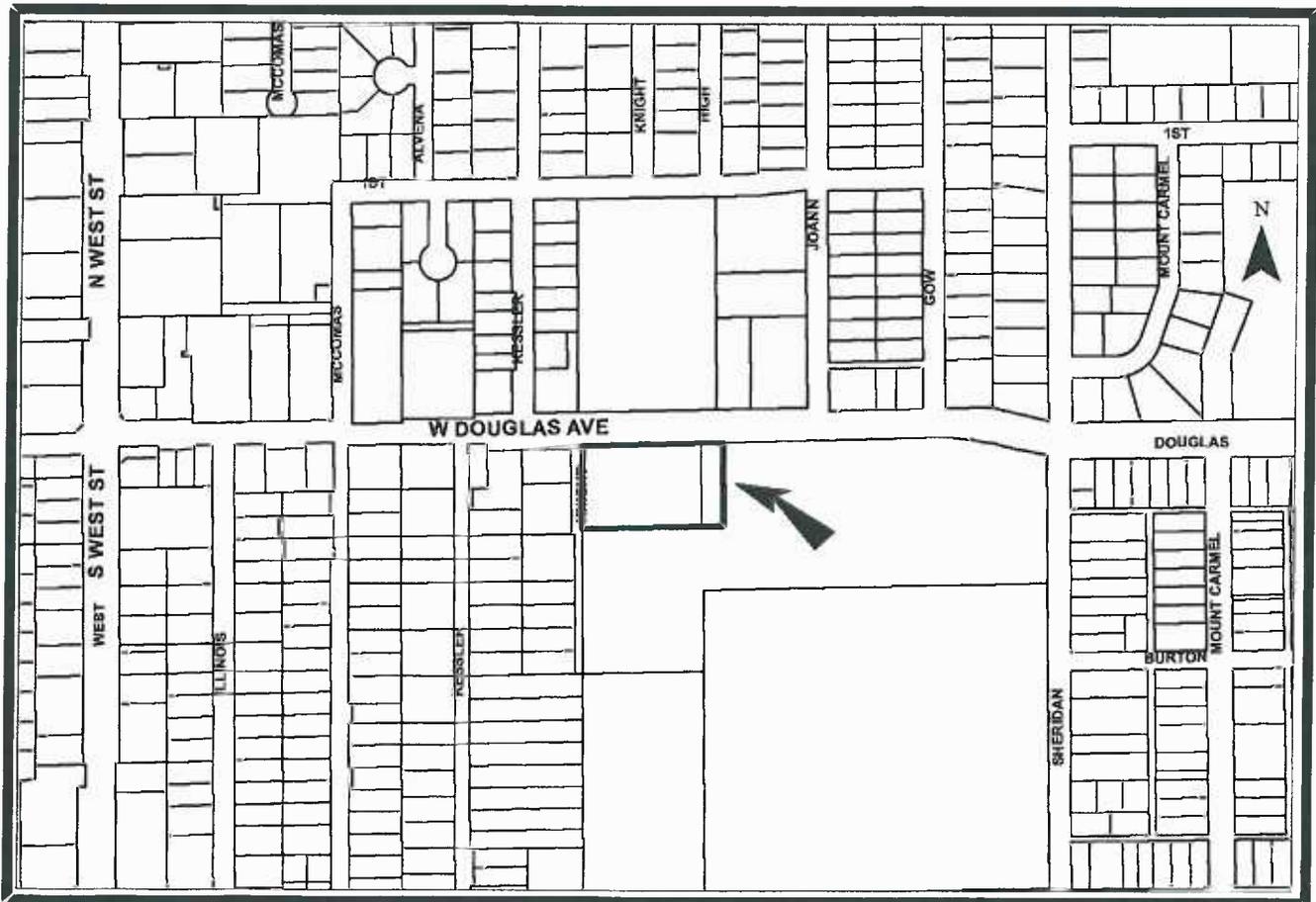
The requested CBD zoning is the appropriate zoning for this site, which is located west (across the Arkansas River) of the original CBD zoned core of downtown Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area. This is the third application for CBD zoning in the D-O along Douglas Avenue. Previously ZON2014-00030 and ZON2013-00038 were approved by the MAPC.

(5) Impact of the proposed development on community facilities: There will be minimal impact on community facilities.

STAFF REPORT

MAPC July 9, 2015
DAB IV July 7, 2015

- CASE NUMBER:** CON2015-00021
- APPLICANT/OWNER:** City of Wichita (owner/applicant), Brad Teeter, SPT Architecture (agent)
- REQUEST:** Conditional Use request for Government Services
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** Approximately 2 acres
- LOCATION:** Generally located on the southeast of Knight Street and West Douglas Avenue (3535 W. Douglas)
- PROPOSED USE:** Relocate Facility Maintenance operation to this location



BACKGROUND: The applicant is requesting a Conditional Use to allow Government Services in Single-Family (SF-5) residential zoning. The City of Wichita recently purchased the armory building and wishes to relocate the Public Works Facility Maintenance operation from 500 South Topeka to 3535 West Douglas.

The subject site is an un-platted 2-acre tract to the west of West Douglas Park. The property north of the site is zoned General Commercial (GC) and is developed with warehouse/office and mini-storage/self-storage. The property to the west is GC and is developed with a strip office center. Properties to the east and south are zoned SF-5 residential and has been dedicated park land since 1955.

CASE HISTORY: The subject site, currently developed with a 22,314 square foot building constructed in 1945 for the Kansas National Guard and used by the National Guard until the early ears of the 21st Century. The legal description is as follows: A tract of land beginning 40 feet South of the Northwest corner of the Southeast quart of the Southwest quarter of Section 24, Township 27, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South 225 feet; thence East 385 feet; thence North 225 feet; thence West 385 feet to the point of beginning.

ADJACENT ZONING AND LAND USE:

NORTH: GC	Warehouse/office; Mini-storage/self-storage
SOUTH: SF-5	Park Land
WEST: GC	Strip Office Center
EAST: SF-5	Park Land

PUBLIC SERVICES: West Douglas Avenue is a four-lane arterial section line road with 90 feet of right-of-way. Knight Street is a local street and has 30-feet right-of-way. City water and sewer is located along the north property line.

CONFORMANCE TO PLANS/POLICIES: The “2030 Functional Land Use Guide of the Comprehensive Plan” (Plan) identifies the SF-5 zoned site as lying within the Park and Open Space functional category. The Park and Open Space category includes parks, golf courses, public open space, and recreational facilities.

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

- (1) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning in compliance with an approved site plan.
- (2) Development and maintenance of the site shall be in conformance with the approved site plan.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The City subject site is surrounded by GC and open space. The architecture of the existing 1945 building is compatible with surrounding structures.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5. The site would continue to have economic value with the Conditional Use. SF-5 zoning permits governmental services with the approval of a Conditional Use by the Metropolitan Area Planning Commission.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Use as a facilities maintenance operational location will not impact the nearby properties any more than the

operations of the National Guard Armory did while in use.

- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Denial of the request could impose a hardship to the City in regard to providing sufficient space for the Department of Public Works Facilities Maintenance.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Park and Open Space category is compatible with Government Services use.
- (6) **Impact of the proposed development on community facilities:** The public streets in the neighborhood, police and fire services, will not be noticeably impacted by the Government Services use.

VICINITY MAP



ARMORY

DOUGLAS AVE.

KNIGHT ST.

225'

ARMORY BUILDING
22,314 SF

WEST DOUGLAS
PARK

325'

60'

1 SITE PLAN
1"=20'
0 20'



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

DATE: July 9, 2015
TO: Metropolitan Area Planning Commission
FROM: Dave Barber AICP, Advanced Plans Manager **WDB**
SUBJECT: Conformity of the proposed *2015-2024 City of Wichita Capital Improvement Program* with the Wichita-Sedgwick County Comprehensive Plan

Background: On April 16, 2015 and July 2, 2015, the Advance Plans Committee of the Metropolitan Area Planning Commission received presentations on the proposed *2015-2024 City of Wichita Capital Improvement Program (C.I.P.)* from the City's Budget Office.

Analysis: Section 12-748 of Kansas statutes requires a planning commission to review the capital improvement program (C.I.P.) of its municipality to make a finding as to whether the proposed public improvements, public facilities or public utilities conform with the adopted comprehensive plan. If the planning commission finds that any such proposed public improvement does not conform to the plan, the commission shall submit in writing to the governing body, the manner in which such improvement does not conform.

Staff has reviewed the proposed *2015-2024 City of Wichita Capital Improvement Program* and has determined that the public improvements proposed therein conform with the currently adopted Wichita-Sedgwick County Comprehensive Plan. The proposed C.I.P. also conforms in several important ways with the five plan guiding principles contained in the new proposed *Community Investments Plan 2015-2035*, which is intended to replace the currently adopted Comprehensive Plan later this year.

Recommended Action:

That the Metropolitan Area Planning Commission find the proposed *2015-2024 City of Wichita Capital Improvement Program* to be in conformity with the adopted Wichita-Sedgwick County Comprehensive Plan as amended.

Attachment: Proposed *2015-2024 City of Wichita Capital Improvement Program*

Crockett, Maryann

From: Barber, Dave
Sent: Tuesday, June 30, 2015 11:55 AM
To: Crockett, Maryann
Subject: Link to the proposed 2015-2024 City of Wichita Capital Improvement Program

Maryann,

Here's the link that you can copy and paste into your emails.

<http://www.wichita.gov/Government/Departments/Finance/FinancialDocuments/PROPOSED%202015-2024%20CIP.pdf>

Dave