

Table of Contents

Agenda	2
June 4, 2015 and June 18, 2015 Minutes	
DRAFT June 4, 2015 MAPC Minutes	4
DRAFT June 18, 2015 MAPC Minutes	46
SUB2015-00020	
MARINITA ADDITION -MAPC STAFF RPT -SUB2015 20	75
VAC2015-00026	
VAC2015 26 -MAPC STAFF RPT.	79
VAC2015-00027	
VAC2015 27 -MAPC STAFF RPT.	82
ZON2015-00026	
ZON2015-00026 Staff Report.	86
ZON2015-00027	
ZON2015-00027 Staff Report.	90
ZON2015-00029 and CUP2015-00015	
ZON2015-00029 and CUP2015-00015 MAPC staf report	95
Estancia Commercial CUP DP-337 for MAPC hearing	100
CON2015-00022	
CON2015-00022 Staff Report and Site Plan	101
CON2015-00023	
CON2015-00023 Staff Report and Site Plan	106
DER2015-00005	
DER2015-00005 Amendment to the Wichita-Sedgwick County Unified Zoning Code	110
DER2015-00001	
DER2015-00001 Proposed Adoption of the Final Draft Community Investments Plan 2015-2035.	137

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, July 23, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, July 23, 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: June 4, 2015 and June 18, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

- 2-1. **SUB2015-00020: One-Step Final Plat – MARINITA ADDITION**, located west of 127th Street East, South of Central.

Committee Action: APPROVED 5-0
Surveyor: K.E. Miller Engineering, P.A.
Acreage: 4.83
Total Lots: 8

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. **VAC2015-00026: City request to vacate the plattor's text to amend the uses permitted in a platted reserve on property**, generally located mid-way between Greenwich Road and 127th Street East, south of Central Avenue, at the end of Herrington Circle.

Committee Action: APPROVED 5-0

- 3-2. **VAC2015-00027: City request to vacate a portion of an easement dedicated by separate instrument on property**, generally located midway between 42nd and 51st Streets North, west of Meridian Avenue, north of Keywest Street, at the west end of Portwest Circle.

Committee Action: APPROVED 4-0-1 (D. Foster abstained)

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2015-00026
Request: City zone change request from SF-5 Single family Residential to TF-3 Two family Residential.
General Location: One-quarter mile west of Hoover Road on the south side of 37th Street North.
Presenting Planner: Kathy Morgan

5. Case No.: ZON2015-00027
Request: City zone change request from PUD Planned Unit Development to GO General Office.
General Location: Northeast of the intersection of East Douglas Avenue and North Rutan Avenue (3319 E. Victor Pl.)
Presenting Planner: Bill Longnecker
6. Case No.: ZON2015-00029 and CUP2015-00015
Request: Creation of a new CUP Community Unit Plan to allow for organized development and a rezone from SF-20 Single-family Residential and LC Limited Commercial to LC Limited Commercial, GC General Commercial and SF-5 Single-family Residential.
General Location: East of North Ridge Road and North of 37th Street North.
Presenting Planner: Dale Miller
7. Case No.: CON2015-00022
Request: County Conditional Use permit for an accessory apartment.
General Location: Southeast corner of 55th Street South and 116th Street East (5600 E. 116th St.)
Presenting Planner: Bill Longnecker
8. Case No.: CON2015-00023
Request: City Conditional Use to permit a billboard within 300 feet of residential zoning.
General Location: At the northwest corner of Bebe Avenue and Walker Street (1375 South Bebe Ave.).
Presenting Planner: Derrick Slocum
9. Case No.: DER2015-00005
Request: Amendment to the Wichita Sedgwick County Unified Zoning Code sections dealing with zoning area of influence.
General Location: County-Wide
Presenting Planner: Dale Miller

NON-PUBLIC HEARING ITEMS

10. Case No.: DER2015-00001
Request: Proposed Adoption of the Final Draft Community Investments Plan 2015-2035 as the New Comprehensive Plan for Wichita-Sedgwick County
General Location: County-wide
Presenting Planner: Dave Barber

11. Other Matters/Adjournment

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

June 4, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 4, 2015 at 1:35 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby; Chair (Out at @3:30 p.m.); Carol Neugent (In @1:36 p.m.) John Dailey; David Dennis; David Foster; Bill Johnson; Debra Miller Stevens; M.S. Mitchell; Bill Ramsey; Lowell E. Richardson; and Chuck Warren. Joe Johnson; Don Klausmeyer; and John McKay Jr. 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. There were no minutes to approve.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **SUB2015-00013: Final Plat – CROSS GATE ADDITION**, located on the southwest corner of Seneca and MacArthur Road.

NOTE: This unplatted site has been approved for a zone change (PUD2015-0001) from Single-Family Residential (SF-5) and Limited Commercial (LC) to Planned Unit Development (PUD #45).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that applicant needs to extend sewer (laterals) to serve Lot 1, Block A and the lot is currently being served by water. Water is available to Lot 1, Block B.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes three openings along MacArthur Road and five openings along Seneca. Two openings along Seneca are rights-in/out only.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. A cross-lot access agreement from Lot 1, Block B to Reserve A shall be established.

- 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. 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.
- J. The recording data for the pipeline easement shall be shown on the final plat. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- K. The 20-foot drainage easement on Lot 1, Block B shall be denoted.
- L. County Surveying advises that in the legal description, the bearing of S89°05'02"E needs corrected (4th line from the bottom).
- M. County Surveying advises in the legal description, the distance of 970.25 feet needs corrected (7th line from the bottom).
- N. County Surveying advises on the south line of Reserve "A" west end, a distance needs added (22.57 feet, more or less).
- O. County Surveying advises the bearing and distance along the south line of Block A needs moved south of the line.
- P. County Surveying advises that lot dimensions need added on the south, west, north and east lines of Lot 1, Block A.
- Q. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- R. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

- S. 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.
- T. 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.
- U. 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.)
- V. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- W. 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.
- X. 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.
- Y. 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.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- BB. 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.

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

PUBLIC HEARING – VACATION ITEMS

3-1. **VAC2015-00015: City request to vacate a portion of a platted reserve on property,** generally located southeast of 13th Street North and 119th Street West, south of Pine Grove Street on the east side of Alderny Court.

OWNER/APPLICANT: Briarwood Estates Homeowners' Association (owner) Ragene F. Weatherson Moore (applicant)

LEGAL DESCRIPTION: Generally described as vacating the south 12 feet of Reserve A, that abuts the north property line of Lot 8, Block 1, all in the Briarwood Estates 4th Addition & vacating the plattor's text to amend the uses allowed in the reserve, Wichita, Sedgwick County, Kansas

LOCATION: Generally located southeast of 13th Street North and 119th Street West, south of Pine Grove Street on the east side of Alderny Court (WCC #V)

REASON FOR REQUEST: Remove encroachments into reserve and revert portion of reserve to private property

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

The applicant is requesting that the south 12 feet of the SF-5 Single Family Residential (SF-5) zoned Reserve A that abuts the north property line of the of the SF-5 zoned Lot 8, Block 1, all in the Briarwood Estates 4th Addition be vacated. The plattor's text of the Briarwood Estates 4th Addition states that the described portion of Reserve A is restricted to the following uses; drainage, utilities, landscaping, private access, and recreational facilities. The plattor's text also states that Reserve A is to be maintained and owned by the Briarwood Estates Home Owners' Association (HOA). There are no utilities located in the described portion of the reserve. The HOA has provided a letter signed by representatives of the HOA and the applicant transferring the described portion of the reserve to the applicant. The vacation will remove encroachments into the platted reserve. The Briarwood Estates 4th Addition was recorded with the Register of Deeds June 6, 1984.

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

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 May 14, 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 reserve and to vacate the plattor's text to amend the uses allowed in the described platted reserve 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 plattors text, pertaining to the vacated portion of Reserve A, Briarwood Estates 4th Addition, amending it by allowing the uses permitted in the SF-5 zoning district as restricted by CUP DP-136 on Lot 8, Block 1, Briarwood Estates 4th Addition.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve A Briarwood Estates 4th Addition, to Lot 8, Block 1, Briarwood Estates 4th Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County 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 City Council for final action.
- (4) Provide all needed legal descriptions, via an E-mail, on a Word document.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the plattors text, pertaining to the vacated portion of Reserve A, Briarwood Estates 4th Addition, amending it by allowing the uses permitted in the SF-5 zoning district as restricted by CUP DP-136 on Lot 8, Block 1, Briarwood Estates 4th Addition.

- (2) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve A Briarwood Estates 4th Addition, to Lot 8, Block 1, Briarwood Estates 4th Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County 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 City Council for final action.
- (4) Provide all needed legal descriptions, via an E-mail, on a Word document.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

- 3-2. **VAC2015-00016: City request to vacate a portion of platted street right-of-way, a platted reserve and the plattor's text**, on property generally located west of 119th Street West and south of 13th Street North, at the intersection of Harvest and Azure Lanes.

APPLICANTS/AGENT:

Janet M. Ternes Revocable Trust, Bradley W. and Pamela S. Livengood, Dennis and Andrea Rottinghaus, David L. and Peggy J. Becker, Hickory Creek Homeowners Association (applicants)
Baughman Company, PA, c/o Phil Meyer (agent)

LEGAL DESCRIPTION:

Generally described as vacating that part of the Harvest Lane right-of-way abutting the east approximately 100 feet of Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and that part of the Azure Lane right-of-way abutting the east approximately 65 feet of Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition, vacating all of Reserve L and vacated the plattor's text to amend the uses allowed in the Reserve L, all in the Hickory Creek Estates Addition Wichita, Sedgwick County, Kansas

LOCATION:

Generally located west of 119th Street West and south of 13th Street North, at the intersection of Harvest and Azure Lanes (WCC #V)

REASON FOR REQUEST: Neither street nor entrance island have been or will be constructed

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

The applicant is requesting that the Harvest Lane right-of-way abutting the east approximately 100 feet of Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and that part of the Azure Lane right-of-way abutting the east approximately 65 feet of Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition. The subject residential street right-of-ways were platted to provide a through street connecting the two subdivisions, but improvements (paving) of right-of-ways stopped short at the point of connection; this lack of connection has existed for close to 19-years (see recording dates of the subject subdivisions. Azure Lane currently ends as a paved circle. Azure Lane was platted with a temporary 70-foot radius cul-de-sac and drainage easement dedicated by separate instrument. The applicants are not requesting that this temporary cul-de-sac and drainage easement be vacated, thus (unless otherwise advised by Traffic, Fire and Public Works) this dedication will be made permanent. Paved Harvest Lane dead-ends just east of the paved Harvest Lane Court. The subject street right-of-ways abut four properties and the owners of those properties have petitioned for the vacation of the subject street right-of-ways. There are water lines, water valves, water nodes and fire hydrants in the area of the proposed vacated right-of-ways. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described right of-ways and easement.

There are platted 15-foot street side yard setbacks on the applicants' abutting Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. The applicants have not requested the vacation these setbacks, which reflect the minimum street side yard setbacks for these two SF-5 Single-Family zoned lots; the street side yard setbacks can be vacated with this request.

The Hickory Creek Homeowners Association (HOA) has also petitioned for the vacation of Reserve L and to vacate the plattor's text to amend the uses allowed in the Reserve L. The plattor's text states that Reserve L is restricted to entry monuments, landscaping, streets and utilities and that the HOA shall own and maintain this reserve. The Hickory Creek Estates Addition was recorded with the Register of Deeds February 6, 1996. The Whistling Walk Estates 2nd Addition was recorded with the Register of Deeds November 15, 1977.

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

- 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 May 14, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portions of platted street right-of-ways, vacate a platted reserve and vacate the plat's text to amend the uses allowed in the described platted reserve 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 described portions (as approved by Traffic, Fire and Public Works) of the Harvest Lane and Azure Lane right-of-ways. Provide any needed dedications by separate instruments for hammerheads or cul-de-sacs as required by Traffic and Fire, including making the temporary 70-foot radius cul-de-sac and drainage easement dedicated by separate instrument permanent. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds. Provide utilities with any needed project plans for the relocation of utilities for review and approval.
- 2) As needed, provide any approved street improvement project number(s) to Planning prior to VAC2015-00016 going to City Council for final action.
- 3) Provide covenants, with original signatures, binding and tying the described vacated portions of Harvest Lane to Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and the described vacated portions of Azure Lane to Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition. These must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- 4) As needed dedicate easements by separate instruments to cover all public and franchised utilities. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- 5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of 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(s) to Planning prior to the case going to City Council for final action.
- 6) Vacate the plat's text, pertaining to the vacated portion of Reserve L, Hickory Creek Estates Addition, amending it by allowing the uses permitted in the SF-5 zoning district.
- 7) Vacate the platted 15-foot street side yard setbacks on the applicants' abutting Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. The setback will now be the Unified Zoning Code's 15-foot minimum street side yard setback for the SF-5 zoned subject lots.

- 8) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve L, Hickory Creek Estates Addition, to Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- 9) Provide all needed legal descriptions, via an E-mail, on a Word document.
- 10) All improvements shall be according to City Standards and at the applicants' expense.
- 11) 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 described portions (as approved by Traffic, Fire and Public Works) of the Harvest Lane and Azure Lane right-of-ways. Provide any needed dedications by separate instruments for hammerheads or cul-de-sacs as required by Traffic and Fire, including making the temporary 70-foot radius cul-de-sac and drainage easement dedicated by separate instrument permanent. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds. Provide utilities with any needed project plans for the relocation of utilities for review and approval.
- (2) As needed, provide any approved street improvement project number(s) to Planning prior to VAC2015-00016 going to City Council for final action.
- (3) Provide covenants, with original signatures, binding and tying the described vacated portions of Harvest Lane to Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and the described vacated portions of Azure Lane to Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition. These must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (4) As needed dedicate easements by separate instruments to cover all public and franchised utilities. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.

- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of 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(s) to Planning prior to the case going to City Council for final action.
- (6) Vacate the plattors text, pertaining to the vacated portion of Reserve L, Hickory Creek Estates Addition, amending it by allowing the uses permitted in the SF-5 zoning district.
- (7) Vacate the platted 15-foot street side yard setbacks on the applicants' abutting Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. The setback will now be the Unified Zoning Code's 15-foot minimum street side yard setback for the SF-5 zoned subject lots.
- (8) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve L, Hickory Creek Estates Addition, to Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (9) Provide all needed legal descriptions, via an E-mail, on a Word document.
- (10) All improvements shall be according to City Standards and at the applicants' expense.
- (11) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

- 3-3. **VAC2015-00017: City request to vacate platted setback, platted utility easement and platted access control**, on property generally located on the northeast corner of 21st street North and 127th Street East.

OWNER/AGENT:

Twenty-First Growth LLC, c/o Tim Buchanan (owner) MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION:

Generally described as vacating the north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, vacating a platted 20-foot utility easement located parallel to the west sides of Lots 3 and 4 and parallel to the south sides of Lots 4, 2, 5

and 6 and vacating the platted access control located parallel to the west sides Lots 1, 2, 3 and 4 and parallel to the south sides of Lots 4, 2, 5 and 6, all in Block 6, all in the Hawthorne Addition, Wichita, Sedgwick County, Kansas

LOCATION:

Generally located on the northeast corner of 21st street North and 127th Street East (WCC #II)

REASON FOR REQUEST:

Associated with Commercial Lot Split

CURRENT ZONING:

The site (CUP DP-238) and the south adjacent properties are zoned LC Limited Commercial. The abutting east and adjacent west and north properties are zoned SF-5 Single-Family Residential. An abutting east property is zoned GO General Office.

The applicant is requesting the vacation of the north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, Block 6, Hawthorne Addition. The LC zoned subject lots in the Hawthorne Addition are part of the CUP DP-238 overlay. The minimum street side yard or front yard setback for a CUP is 35 feet, which is what the applicant is requesting. The vacation would also match the rest of CUP DP-238's 35-foot setbacks.

The applicant is also requesting the vacation a platted 20-foot utility easement located parallel to the west sides of Lots 3 and 4 and parallel to the south sides of Lots 4, 2, 5 and 6, Block 6, Hawthorne Addition. The undeveloped site has no public utilities located in the platted easement, however there appears to be are franchised utilities located within the described easement. The applicant's exhibit shows a proposed replacement easement.

The applicant is also requesting the vacation of the platted access control located parallel to the west sides Lots 1, 2, 3 and 4, onto 127th Street East and parallel to the south sides of Lots 4, 2, 5 and 6, onto 21st Street North, all in Block 6, Hawthorne Addition. The vacation will shift the two existing permitted points of access located on the south side and add additional drive. The vacation will shift four existing permitted points of access along the west side. Both 127th Street East and 21st Street North are paved with curb and gutter four-lane arterial roads with center turn lanes at this location. There is a raised median at this location in 21st Street North, but none on 127th Street East. There are public water lines, water valves, hydrants, stormwater inlets and conduit and power poles and lines in the area of the access control. The Hawthorne Addition was recorded with the Register of Deeds December 12, 2002.

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

- 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 May 14, 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 setback, platted utility easement and platted access control 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 north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, Block 6, Hawthorne Addition. Show the new 35-foot setback on an adjusted CUP DP-238 and reference the vacation case, VAC2015-00017 on the adjusted CUP.
- (2) Per the Traffic Engineer's recommendation, line up the proposed points of access with existing drives located south across 21st Street North and west across 127th Street East. All points of access are subject to the Subdivision Regulation of having 200-foot between right-in – right-out drives and 400 foot of separation between full movement drives. The Traffic Engineer can modify these standards.
- (3) Dedicate access control by separate instrument and attach an exhibit showing the approved points of access and the revised access control, which will go with the dedication of access control for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to VAC2015-17 going to City Council for final action.
- (4) Provide all 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 approved project numbers to Planning prior to the case going to City Council for final action.
- (5) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to VAC2015-17 going to City Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, Block 6, Hawthorne Addition. Show the new 35-foot setback on an adjusted CUP DP-238 and reference the vacation case, VAC2015-00017 on the adjusted CUP.
- (2) Per the Traffic Engineer's recommendation, line up the proposed points of access with existing drives located south across 21st Street North and west across 127th Street East. All points of access are subject to the Subdivision Regulation of having 200-foot between right-in – right-out drives and 400 foot of separation between full movement drives. The Traffic Engineer can modify these standards.
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- (4) Provide all 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 approved project numbers to Planning prior to the case going to City Council for final action.
- (5) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to VAC2015-17 going to City Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

PUBLIC HEARINGS

3. **Case No.: ZON201500012 and CON2015-00010** - Estate of Verna E. Cornwell, Kenneth E. Cornwell and David Cornwell co-executors (owners) and Ruggles & Bohm (Chris Bohm) (Agent) request a City zone change from SF-5 Single-family Residential to LC Limited Commercial and City request for a Conditional Use for a self-storage warehouse on LC Limited Commercial zoning on property described as:

A tract beginning 545 feet West of the Southeast corner of the Southeast Quarter; thence North 425 feet; thence West 600 feet; thence South 425 feet; thence East to the point of beginning Section 34, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicants are requesting a zone change from SF-5 Single-Family Residential (SF-5) to Limited Commercial (LC) for 4.94 acres of a 5.5-acre unplatted parcel, located west of North Hoover Road on the north side of West 29th Street North. In 1958, Sedgwick County zoned three of the four corners (northwest, northeast, southeast) of the intersection of North Hoover Road and West 29th Street North to LC in anticipation of commercial development. The east portion of the parcel, approximately 0.45 acre currently zoned LC, was part of the 1958 LC zone change. In addition to the requested zone change to LC, the applicants have submitted a request for a conditional use to allow “warehouse/self-service storage” on the site (CON2015-10).

The applicants have submitted a site plan of the proposed building layout, internal vehicle circulation and the access onto West 29th Street North that will be reviewed and approved during platting should ZON2015-00012 and CON2015-00010 be approved. Upon approval of ZON2015-12 and the associated CON2015-10, the applicants will be required to file and perfect a plat within one year, and provide a revised site plan giving more detail including, but not limited to, storm water drainage, landscaping, any proposed light poles and identification of customer and employee parking. The applicants have developed a more detailed site plan than was originally submitted. The new site plan will be provided at the second round of District Advisory Board (DAB) and Metropolitan Area Planning Commission (MAPC) hearings.

Property north of the site is zoned Limited Industrial (LI) and is used for wrecking and salvage. Property east of the site is zoned LC, and currently has a single family residence. The SF-20 zoned property located west of the site has a conditional use to allow sand and gravel extraction (CU-242). South of the site is West 29th Street. South of West 29th Street is the Barefoot Bay Subdivision, which is developed with single-family residences centered around a private lake.

Self-service storage warehouse facilities located in the LC zoning district are subject to the 19 development standards contained in the Wichita-Sedgwick County Unified Zoning Code (UZC) Article III, Section III-D.6.y (1)-(19). Not all of the development standards apply to this application, and the applicant may ask the City Council to waive specific supplementary use requirements. The self-service storage warehouse facilities supplementary use regulations are attached.

CASE HISTORY: At its regular meeting on April 2, 2014, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the case and heard from numerous concerned citizens. In general terms, the issues raised by the citizens were: increased traffic, child safety, storm water drainage, incompatibility of the use that close to single-family homes, property devaluation and lack of specifics regarding the appearance of the facility. Protest petitions representing 47.98 percent of the land area located within 200 feet have been submitted. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

1. The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC.
2. Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will subject to platting and be per City Code including landscaping, code compliance and any other applicable standards.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
6. 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.
7. Prior to the issuance of an occupancy permit, a four to five-foot high landscaped berm is required to be installed along the site's West 29th Street North frontage. Even though the property is zoned LC, use of the property is limited to a "warehouse, self-storage," as defined by the Wichita-Sedgwick County Unified Zoning Code, and subject to the development standards contained therein, and to the used permitted by right in the Single-Family (SF-5) zoning district.

DAB V heard the case at the April 21, 2015 meeting. Twenty to 30 neighbors attended the DAB meeting expressing concerns similar to those presented at the MAPC meeting. The DAB voted to deny the application (6-1).

At the close of the protest period, 47.98 percent of the valid protest area had submitted protest petitions. The Wichita City Council considered the case on May 5, 2015, and voted to send the case back for consideration to DAB V, DAB VI and the MAPC.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Wrecking and salvage use.
SOUTH:	SF-5	Single-family residences

EAST: LC Limited Commercial; currently developed with a single-family residence
WEST: SF-20 County single-family; has a conditional use to allow sand and gravel extraction CU-242

PUBLIC SERVICES: The subject property has immediate access to West 29th Street North. North Hoover Road is located approximately 600 feet east of the subject site. West 29th Street North is a paved three-lane arterial street and Hoover Road is a paved two-lane arterial street. The 2030 Transportation Plan map, adopted by the Wichita City Council in March of 2000 depicts West 29th Street as a two-lane arterial. The site is currently served by a water well and municipal water is available approximately 135 feet west of the well. A city sewer connection is approximately 1,500 feet west of the site. The project would require provision of a septic system and a storm water retention lagoon.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for "Urban Residential"; however, the abutting properties to the east and north are zoned LC and LI, respectively. The Commercial Locational Guidelines of the Comprehensive Plan recommends 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 conditions attached to a Conditional Use can address site design issues. The proposed use would be a low traffic generator at this location when compared to other uses permitted by right in the LC district. Self-service warehouses generate approximately 2.5 average daily trips per 1,000 square feet of floor area. Strip retail sales generate 43 average daily trips per 1,000 square feet of floor area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed zone change and conditional use for warehouse/self-storage be **APPROVED**, subject to Sec. III-D.6.y and the following conditions:

- 1) The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC.
- 2) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will subject to platting and be per City Code including landscaping, building, fire, sanitation and zoning code compliance, including the applicable sections of Unified Zoning Code (UZC) Article III, Section III-D.6.y (1)-(19), and any other applicable standards.
- 3) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
- 4) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- 5) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

- 6) 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.
- 7) Prior to the issuance of an occupancy permit, a four to five-foot high landscaped berm is required to be installed along the site's West 29th Street North frontage. Even though the property is zoned LC, use of the property is limited to a "warehouse, self-storage," as defined by the Wichita-Sedgwick County Unified Zoning Code, and subject to the development standards contained therein, and to the used permitted by right in the Single-Family (SF-5) zoning district.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land to the north is zoned LI and is a non-conforming wrecking and salvage yard. City Council has approved the final plat for the property north of the site to permit a legally conforming wrecking and salvage use. Property south of the site is zoned SF-5, and is developed with large lot single-family residences surrounding a private lake. Property east of the site is zoned LC and is developed with single family residences. West of the site, the property is zoned SF-20 and has a conditional use (CU-242) for sand and gravel extraction.
2. **The suitability of the subject property for the uses to which it has been restricted:** The east approximately 0.45 acre of the subject property is already zoned LC. The remainder of the application area is zoned SF-5. The site has been used for the placement of a recreational vehicle, which is not a legal use on the site as currently zoned. The application area abuts property to the north that is an active wrecking and salvage yard. Land to the east is zoned LC, which permits a wide range of retail commercial, office, multi-family residential and single-family residential uses by right. Land to the west is a spent sand pit. Given the wrecking and salvage use located to the north and the likelihood that at some point in time the LC zoned land located to the east will attract non-single-family development, the site's existing SF-5 zoning is unsuitable in the long run.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Warehouse/self-storage developed per the recommended development standards will have a minimum negative effect on the surrounding area. Self-service warehouses are low traffic generators (approximately 2.5 average daily trips per 1,000 square feet of floor area compared to 43 average daily trips per 1,000 square feet for retail sales). The zoning code requires an on-site resident manager, setbacks, screening as well as other development standards. The development standards will minimize known impacts to adjoining properties.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for "Urban Residential." As indicated above, the abutting properties to the east and north are zoned LC and LI, respectively. The LI site is an active wrecking and salvage yard, making it

less likely that the site will be developed with single-family residences. The Commercial Locational Guidelines of the Comprehensive Plan recommends 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 conditions attached to a Conditional Use address identified concerns.

5. **Neighborhood support or opposition:** Property owners abutting and adjacent to the application area were present at both MAPC and DAB V meetings expressing opposition to the request based upon concerns dealing with: traffic, child safety, storm water drainage, incompatibility of the proposed use that close to single-family homes, property devaluation and lack of specifics regarding the appearance of the use. Protest petitions representing 47.98 percent of the land area located within 200 feet have been submitted.
6. **Impact on Community Facilities:** Existing road facilities are adequate. Any increased demand on community facilities can be addressed through platting.

EXERPTED UNIFIED ZONING CODE

Art. III, Zoning District Standards

Sec. III-D.6.y, USE REGULATIONS

y. Warehouse, Self-Service Storage, in GO and LC. Self-Service Storage Warehouse facilities shall be subject to the following standards when located within the GO or LC Districts.

- (1) A tract for such use located in the GO District shall be Contiguous with a less restrictive District.
- (2) The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the *Transportation Plan* adopted by the Governing Bodies, and amended from time to time.
- (3) All buildings shall set back at least 35 feet from arterial Street Rights-of-Way lines. There shall be a minimum 20-foot Building Setback line from all other Streets, unless a platted Building Setback line would require a greater Setback.
- (4) Where the Lot is Contiguous to a residential zoning District, a landscaped Yard with a minimum depth of 15 feet shall be provided on the Lot Contiguous to the residential zoning District and a landscaped front Yard with a minimum depth of 15 feet shall be provided when within 100 feet of a residential zoning District or when across the street from a residential zoning District. The landscaping shall be in addition to any architectural Screening type Fences or face of the structures that shall be designed to Screen the use from the residential neighborhood. Such Fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet or more than eight feet in height. The landscaped Yard may be reduced in depth to not less than the minimum Side and Rear Setback required by the property development standards of the applicable zoning District of the Lot when the Contiguous residential zoning District is occupied by any legal Nonconforming office, commercial or industrial Use, or when Adjacent to a property where an adopted zoning policy by the Governing Body is to look with favor on office, commercial or industrial zoning for the area.

- (5) When the Development is in close proximity to residential development, the architectural design shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the architecture is compatible with the surrounding development, and that adequate Screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Planning Commission, may be retained in the MAPC case file and by the Zoning Administrator to ensure that final Development plans and construction comply therewith.
- (6) Any side of the Building providing doorways to storage areas shall be set back from the property line at least 40 feet when Contiguous to a residential zoning District.
- (7) Off-street Parking shall be required on the basis of one space for each 8,000 square feet of Floor Area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.
- (8) All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or Fences shall be provided to prevent the extension of Vehicles beyond property lines.
- (9) All lights shall be shielded to direct light onto the Uses established and away from Adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
- (10) All storage on the property shall be kept within an enclosed Building, unless a portion of the property or Lot is properly zoned to otherwise permit a designated area for outside storage.
- (11) No activities such as miscellaneous or garage sales shall be conducted on the premises.
- (12) The servicing or repair of Motor Vehicles, boats, Trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
- (13) Signs shall be limited to one per arterial Street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.
- (14) All areas not paved in accordance with the requirements of this section shall be landscaped with deciduous and coniferous plant materials. The Landscaping plan shall be approved by the Planning Department. Maintenance of the Landscaping shall be sufficient to maintain it in good condition.
- (15) The area shall be properly policed by the owner or operator for removal of trash and debris.
- (16) The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of Vehicles is part of such business.
- (17) A resident manager shall be required on the Site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
- (18) No more than 45 percent of the Lot Area shall be covered by Buildings.

(19) No individual or business shall lease more than 3,000 square feet of storage spaces.

DALE MILLER, Planning Staff presented the Staff Report. He reported that DAB V recommended denial at the 4-21-15 meeting by a vote of 6-1, and DAB VI recommended denial at the 6-1-15 meeting by a vote of 3-2. He said an issue that keeps coming up is whether 29th Street is an arterial and he clarified, according to the specific language in the Supplemental Use Regulations and map, 29th Street is a two-lane arterial street improved with two through lanes and a center left turn lane. He added that there have been questions about drainage and said Joe Hickle from, Public Works and Utilities, Storm Water was present to clear up any questions.

CHAIR GOOLSBY explained that since this case has already been heard by the Planning Commission he is looking for direction as to what the Commission would like to do in reference to public comment on the case.

DENNIS said since he was not at the hearing where the Planning Commission originally heard the case (although he has reviewed the minutes) he would like to hear what the community has to say on the item.

WARREN said he would not be interested in extending any time and that people should keep their comments within the allotted five minutes.

RAMSEY requested that no one repeat testimony that has already been heard by the Commission.

MILLER STEVENS asked staff to elaborate on the specifics that compelled the DAB decisions.

MILLER reported that the neighbors brought up the same issues that were discussed at the last Planning Commission. He said lack of specificity as to what the site will look like and how it will appear from the street was important to DAB V. He said that is one of the reasons the applicants created a PowerPoint presentation. He referred to the issues in the Revised Staff Report which were: the facility was out of character with the neighborhood; concerns about traffic, child safety; litter and debris from the site coming into the lake; fluids coming from the site polluting the lake, etc.

RICHARDSON asked who paid to pave 29th Street and what was the traffic count.

MILLER said the City paid 100% to pave 29th Street. He said 29th Street currently has 1,439 average daily trips.

DAILEY mentioned the abandoned airport on Hoover Road and asked how it was zoned.

MILLER said it is currently zoned SF-20 Single-family Residential with a conditional use.

JOE HICKLE, PUBLIC WORKS AND UTILITIES, STORM WATER said he was present to clarify some of the drainage issues. He referred to a slide presentation containing several graphics and aerials which he said will clarify drainage in the area. He referred to a graphic of the intersection of Hoover and 29th Streets. He commented that the pink lines show the City's storm water drainage system

that drains to the west. He said the main line is on the south side of 29th Street and it flows to the west to almost the end of the sand pit where it comes to a manhole and is diverted through a hydrodynamic filter for water quality that was installed during the improvements to 29th Street and continues to flow into the lake to the south. He referred to a graphic of the various basins in the area flowing into lakes. He said the subject property in question is designed to drain into the south lake of Barefoot Bay. He said if the application is approved, the applicant will be required to have a storm water management permit and will have to meet water quality requirements and detention requirements. He concluded by stating that he believed the applicant was planning a dry pond on the site for detention as well as a deep inlet to trap debris so they won't get into the south lake.

RAMSEY asked if the drainage basin included the salvage yard.

HICKLE said some of that is draining into the sand pit to the north and some towards Barefoot Bay.

RICHARDSON asked staff to explain a dry detention pond and its purpose.

HICKLE said a wet pond typically has water in it all the time, but a dry pond only has water in it when it rains. He said a device would release water at appropriate times in accordance with the rules and requirements to meet the detention requirements.

RICHARDSON asked what was the appropriate rate for the release of water.

HICKLE responded not faster than the natural condition.

WARREN asked if the drainage plan would change depending on the zoning.

HICKLE said the same regulations to meet water quality and detention are required regardless of the zoning classification.

JIM ALBERTSON, ARCHITECT FOR THE APPLICANT referred to a slide presentation starting with an overall view of the area. He said after listening to neighbor's concerns they did further work on screening the project from 29th Street. He commented that the applicant lives in the area and wants to do a facility that will accommodate normal storage uses, the same as everyone's garage, to include cars, boats, play toys, etc. He showed several slides of surrounding properties including metal buildings, a trailer home, farm equipment and metal building panels which was the fence of the salvage/wrecking yard. He said there are no residential homes in front of the subject property, but there was residential property across the street at the west end. He referred to a concrete plant on the other side of the lake and the sound which can be heard by the neighbors and the applicant on the north side of 29th Street. He referred to an aerial of the site with the project inserted into it. He said they will have a 30-foot deep landscape buffer along the entire frontage of 29th Street. He said previously they talked about 4-5 foot berms, but they are thinking it may be closer to 4-8 foot berms. He showed several depictions of the entrance to the site from the east and west. He said the facility will have stone pillars and walls, wrought iron fencing and it will be heavily landscaped. He said there will be a landscaped monument sign in front of the facility. He said they believe they have addressed all the issues that have been brought to their attention.

RAMSEY clarified that there would be no outside storage at the site.

ALBERTSON said absolutely not. He said any boats or watercraft will be stored inside units.

CHRIS BOHM, RUGGLES & BOHM, 924 NORTH MAIN, AGENT FOR THE APPLICANT said this site is on an arterial street, there is a salvage yard located north of the site, there is Limited Commercial zoning to the east of the site, and they know the entire neighborhood is developing over time with the advent of the new interchange at K-96 and Hoover Road one and one-half miles to the north. He said it is the Commission's and staff's duty to look at how zoning transitions and with LC to the east and a salvage yard to the north, they believe this is a beautiful transition. He said the neighbors have valid points that they have listened to and addressed and they believe made this a better project.

FOSTER asked how the applicant was going to address any pollutants that might leave the site.

BOHM referred to the dry detention pond to the east of the property. He mentioned the hydrodynamic separator that would keep liter and floatables from exiting the pipe. He said there is no specific requirement to treat for any particular substance. He said boats and jet skis are used on the lake so there is currently an issue with oil and gas from motors.

BROOKE GRIZZELL, 5937 WEST 29TH STREET NORTH referred to a PowerPoint presentation starting with her residence across the street from the application area. She said the presentation was a collaboration of concerns from all the neighbors. She said they took pictures of existing homes along 29th Street starting at the southwest corner of the intersection of Hoover Road and 29th Street. She referred to her home, several of her neighbor's homes (she mentioned how close homes in the First Addition are to 29th Street), the northwest corner of Hoover Road and 29th Street (she said although the area is zoned LC, there are three (3) single-family residences and the area has never been used in a commercial fashion), the unique sand pit lake west of the application area (she mentioned that approval of the warehouse storage would be destroying an opportunity for residential development), and the Ridgeport neighborhood. She referred to several slides of nearby storage facilities, two within a half-mile of this location. She mentioned that the monument sign referred to by the architect is not clearly communicated in any of the restrictions at this time. She pointed out that the fences at several of the other storage facilities don't shield you from the storage buildings.

GRIZZELL stated that the neighbors' main points of opposition are: 1) The property is currently zoned SF-5 and can be used that way. She said because the current owners have elected not to build a home on the site and use it for commercial to make more money off the sale of the land doesn't make it unsuitable for the way it is currently zoned. 2) She said rezoning from residential to commercial use does adversely affect surrounding property values. She said the advantage to one land owner who would benefit from this should not outweigh the harm to many existing residences. She said they have letters from two (2) realtors indicating that a self-storage facility would have a negative impact on surrounding residential properties. 3) She referred to an article from the Self-Storage Almanac that indicated that Wichita is a self-storage capital of the world with more self-storage units per square foot per person than 5 or 6 larger metro areas. She said Wichita has more than 160 self-storage units with an occupancy of 70%. She referred to a map indicating self-storage units within a five (5) miles of the site. 4) She said this will destroy a beautiful lakeside opportunity just to the west of the area. 5) She

mentioned conformance to plans and policies and said the 2030 Functional Land Use Guide identifies the area as appropriate for residential and they respectfully request that it stay that way. 6) she said there are other permitted uses under SF-5 zoning and they were asked if they would prefer apartments or duplexes there, but they would like it to stay SF-5.

FOSTER asked if Ms. Grizzell knew when the \$100,000 offer for the property was made.

GRIZZELL said there was an offer of \$120,000 over a year ago and \$100,000 within the year.

DAVE CORNWELL, APPLICANT AND PROPERTY OWNER.

CHAIR GOOLSBY explained that if Mr. Cornwell wanted to speak he would be using the time from the agent's two (2) minute rebuttal. Mr. Cornwell opted to sit down.

MIKE EMMETT, 6510 FIGI said he was present on behalf of the owner of the sand pit to the west of the property. He said they had originally designed between 8-11 custom homes on that site and additional land they acquired north of the property. He said storage units right next door is going to affect how they proceed on this issue. He said he encountered a similar situation in Utah and property values dropped 20 percent. He said the fence at the site in Utah was eight (8) foot high but you could still see what is behind the fence. He said this will negatively affect property values.

RAMSEY asked for clarification that two-thirds of the sand pit lot are bordered by a salvage yard.

EMMETT indicated that was correct.

RAMSEY said and that doesn't negatively affect the development of the sand pit.

EMMETT said it does but that is not the issue that is on the table today.

GOOLSBY clarified that they planned on going ahead with the project knowing that there was LC and a salvage yard right next door to it.

EMMETT said the salvage operation is "non-conforming" and not approved.

MILLER indicated that the conditional permit for the salvage operation had been approved by the Commission and the applicants were in the process of completing the requirements.

MARY BRAND, 2606 NORTH SHORE COURT, PRESIDENT, BAREFOOT BAY

HOMEOWNERS ASSOCIATION said she has concerns about the liability associated with the lake. She said during the summer she has the job of chasing kids out of the lake. She said it is an insurance liability for the HOA. She said if the storage facility goes through there will be multiple people visiting the facility and looking across the street at the lake thinking that they can go fish on it. She said that would not be allowed because the liability insurance won't cover anyone that is not part of Barefoot Bay. She asked that the Commission go with the neighborhood feedback. She said as President of the HOA she has to go with the majority whether she agrees or not. She said DAB V and VI both declined the request and asked why the Commission doesn't listen to them.

RAMSEY asked for clarification about people using the lake. He said he is struggling to understand that.

BRAND indicated that the more people that are aware of the lake, the more probability there is that kids will come there to fish and swim.

RICHARDSON commented that if this site was developed with single-family there would be permanent access to the lake from as many as 43 residences.

BRAND said they could visit with the neighbors and have a conversation about the lake being off limits, unlike being able to talk to any random person who visits the storage units.

DAILEY clarified that the lake is posted as private and the neighbors can call the police to take care of it.

BRAND said it is posted and she has called WPD, but it is not a high priority for the police.

SHELLY MOORE, 2764 NORTH NORTHSORE COURT she said there is plenty of other commercial property around the area that could probably be acquired. She said the direction this area is going is residential and sticking a storage unit in the middle of it doesn't fit the direction of development and growth. She said even though the corners are LC, and people have lived there for many, many years. She said when they moved in they knew what was around them, that there was SF-5 across the street and a private lake. She said both DAB's said they would not want this in their back yard. She said the detention pond also concerns her because she doesn't know of any other detention ponds in the area.

CHAIR GOOLSBY remarked that considering the renderings provided today, this would be an excellent buffer between the LI salvage yard and single-family residential.

MOORE said they are hopeful that there will be no more commercial next to them.

DAILEY remarked then the neighbors would rather see one single home on the land. He asked do they believe that someone is going to build a house that is compatible with Barefoot Bay residences next to a salvage yard?

MOORE said that would be ideal because SF-5 suits the area better. She said the storage units would not fit into the neighborhood.

MARK REHWINKEL, 2919 NORTH HOOVER said he has lived in the area for 16 years. He said the best room of his house is the back patio with a good view of the lake and mature trees and nature and they like it the way it is. He said having that disrupted with roof lines of storage units would not be a fun thing to look at. He also mentioned migratory birds in the area. He concluded by respectfully asking the Commission to decline the requested zoning change and listen to the DAB's.

DENNIS GRIZZELL, 6461 WEST 29TH STREET NORTH said he would build at the site if he had access to the lake. He said water access in Kansas adds value. He said his son and wife offered the applicant \$100,000. He mentioned that that he lived across the lake and did not hear the sound of the concrete plant. He mentioned the salvage yard and other things in the area that were developed 20, 30, 40 years ago. He said this entire area is going residential and that there are some beautiful residential areas around it. He said some of the old things that might have been eyesores are going out of business or being cleaned up. He said water control and water quality is a big issue in Kansas.

DAVE CORNWELL, 1229 WEST 48TH STREET SOUTH, PART OWNER AND APPLICANT he said he was shocked about the amount of people from Barefoot Bay who showed up at the last meeting that were against all this. He said before the salvage yard expansion came up the Grizzell's approached him about buying the place. He said a price was agreed on and he took it to his siblings. He said six (6) months later when the salvage yard expansion came up he got a petition and took it to the people who live along Hoover Road and 29th Street and they didn't really care but he thought Barefoot Bay residents would be on his side against the salvage yard because it would be 1,000 feet from their front door. He said no one would sign the petition or show up to the Planning Commission hearing when the salvage yard expansion was heard. He said once the salvage yard was okayed, they turned around and offered him one-half of what they originally agreed upon for sale of the land. He said that tells him why no showed up for the hearing on the salvage yard.

BOHM said the process works, the applicant has made concessions and they stand by what they presented at today's meeting.

DENNIS clarified several items, including the monument sign and no outside storage

BOHM explained that at the last Planning Commission meeting they offered the 30-foot landscape buffer along the north side of 29th Street. He said the Commission added the 5-6 foot berms. He said they stand by what they presented at today's meeting including the concept for the landscape plan as the minimum standard, the ground mounted monument sign, and the stone and wrought iron façade. He said if the Commission wants to incorporate those elements into a motion, they are more than happy to stand by it. He referred to the 16 items applicable to the warehouse storage. He concluded by saying they think this will be a beautiful transition between salvage and an arterial street and that they think it is a good use for the site.

RICHARDSON said he has driven the area and thought about the issue. He requested that his comments be included in the minutes to be forwarded to the City Council. He briefly summarized as follows.

Objections to the proposed use of the site seem to fall into three (3) categories

- Traffic and safety
- Drainage
- Property Values

1. Traffic

- a. The current traffic count on 29th St. is less than 1500 vehicles/day.
- b. Storage will generate less traffic than a fully developed SF-5 Project.

- i. Storage generates 2.5 trips/day for each 1000 sf. of storage.
 - ii. Assuming the maximum allowed coverage of 45%
 - iii. Equates to 242 trips/day
 - c. SF-5 Single Family Residential
 - i. 5000sf./unit = 43 units
 - ii. Generates 10 trips/day x 43 = 430 trips/day
 - d. Arterial Street funding
 - i. The paving of 29th St. was entirely paid by the city-at-large to be used as an arterial street. Therefore it does not seem reasonable that 8 property owners, who were not assessed for their share, should have any particular consideration in determining the amount of traffic on the street.
 - ii. The 8 property owners fronting on 29th have a total street frontage of 3575 ft.
 1. ½ the cost of a residential street is \$70.00/lin. ft.
 2. Benefit to owners: 3575 x \$70.00 = \$250,320.00.
 - e. Lack of limited access to 29th
 - i. Similar exclusive developments have limited points of entry to the arterial street system and no individual driveways onto arterial streets. These developments use a frontage road system and/or minimum access points to limit exposure of residents to the arterial street system. Examples are:
 1. Crestview CC.
 2. Tall Grass CC
 3. Reflection Ridge.
 - ii. Perhaps the owners along the south side 29th might want to consider a frontage road using special assessments as the funding mechanism. This would provide the safety and low traffic volumes they desire.
2. Drainage
 - a. The required storm water retention will result in the same amount of water release from the site as today in its undeveloped state.
3. Property Values
 - a. None of the homes fronting on 29th have to drive by this site to reach Ridge Rd. All driveways are west of this property.
 - b. The site adjoins the following:
 - i. A lake to which it has no access
 - ii. An arterial street
 - iii. Property zoned LC
 - iv. An active auto salvage business which was recently expanded.
 - c. It is unreasonable to believe that a project will be built on the site that will enhance the value of \$1,000,000 homes.
 - d. There are now homes, similar to those on 29th, adjacent to, and with access to Ridge Road so evidently traffic volume is not a value determinant for Barefoot Bay housing.

Summary

This project seems to be the ideal way to buffer million dollar homes from an active auto salvage business for the following reasons:

Generates the fewest number of vehicle trips.
Produces little if any noise.
Releases no noxious odors.
Required screening will make for a very low visual profile.

WARREN commented that Commissioner Richardson did a good job of summarizing the situation and expressed his views very well. He said if it wasn't for the salvage facility to the north, this issue would have a whole different complex and look to it. He said you can't expect that someone is going to want to build residential next to a salvage yard.

Several Commissioners expressed that they had ex parte communication regarding the application. (**WARREN, MILLER STEVENS, RAMSEY, B. JOHNSON, DENNIS, MITCHELL** and **GOOLSBY**).

NEUGENT said she appreciates the time and effort Commission Richardson put into his summary. She said she wanted to clarify that nothing said at today's meeting would make him want to change the report that he previously drafted.

RICHARDSON said no.

RAMSEY said he wanted to comment on the idea that there is so much storage available in the area. He said he and a business partner are looking at opening up a storage facility at 29th Street and Ridge Road because you can't find adequate storage for personal watercraft in the area. He said because they are living in a lake community they have boats, jet skis, etc. and storage for those items is not available. He said he can't imagine why the neighbors wouldn't want this.

DENNIS explained to the audience that he served on a DAB for over eight (8) years and the function of the DAB's is quite different than the function of the Planning Commission. He said DAB's express more feelings of community opposition, whereas the Planning Commission has to look at the Golden Rules and other items when making a decision. He said this would be a perfect buffer from nice homes to a salvage yard. He said the Commission looks at transitions from various zonings and things that can be done to mitigate different zoning. He mentioned the monument sign, landscaping, and berms. He said he understands the homeowners concerns but he feels this would be a perfect buffer so he supports having the storage facility at the site.

FOSTER asked if the architectural and landscape features presented today should be added to a motion or included in the Staff Report to give assurance that those things will occur when the site is developed

MILLER said yes, if the motion is to approve the application that the Commission require that the site be developed in compliance with what was presented by the architect at today's meeting.

FOSTER clarified that the salvage yard to the north takes industrial zoning all the way west to the sand pit lake.

MILLER said that was correct.

FOSTER clarified that the Commission has restricted uses on this site to this particular use. He asked if the business fails, what other uses are allowed on this site

MILLER said the applicant gave up all other uses except residential.

B. JOHNSON said he has been on the Commission over 20 years. He said he thinks the applicant has made a great effort to improve looks of the facility to improve the looks of the neighborhood.

MOTION: To approve subject to staff recommendation subject to what was presented by the architect today.

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

4. **Case No.: ZON2015-00019** - Venture Golf Partners II LLC / Stephen N. Sonneman request a City zone change from LI Limited Industrial to GC General Commercial to permit long term stay at an existing hotel on property described as:

Beginning at the Northeast corner of lot 6, Block 1, Hi-Tech Industrial Park Second Addition to Wichita, Sedgwick County, Kansas; thence Northeast 35.73 feet; thence South 188.99 feet to a curve; thence Westerly and Southwesterly along a curve 187.24 feet; thence West 80.94 feet; thence North 240 feet to the North line of lot 6; thence Northeast 159.27 feet to the point of beginning, EXCEPT that part deed for street.

AND

Part of lot 6, Block 1, Hi-Tech Industrial Park Second Addition to Wichita, Sedgwick County, Kansas, beginning at the Northwest corner; thence Northeast 138.73 feet; thence South 240 feet; thence West 135.91 feet to the West line; thence North 212.20 feet to the point of beginning.

BACKGROUND: The application area is 1.6 acres of platted land zoned Limited Industrial (LI) located at 3949 North Comotara, which is located north of East Thorn Drive and west of the North Comotara Street cul-de-sac (1,000 feet north of East 37th Street North, 2,000 feet east of North Rock Road). The property is developed with two buildings which house a hotel or motel, The Inn at Willowbend. The first of the hotel/motel buildings was constructed about 1995. The LI zoning district permits a hotel or motel as a use by right. The Unified Zoning Code (UZC, Article II, Section II-B.6.g) defines a "hotel or motel" as "an establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term use by transient guests, usually for less than a week" Additionally, the UZC defines "transient guest" as "a person who occupies a room for a period of less than one week at a time." (Article II, Section II-B.13.f) The applicant has clients that rent hotel or motel rooms for considerably longer than one week. At one point the site had signage advertising the site's facilities as an apartment. In refinancing the hotel or motel property, staff was asked if the longer than a week stays at the hotel/motel were legal as a hotel or motel use or if, by definition, the longer stays constituted an "apartment" or "group residence" use. The LI zoning district does not permit any residential uses, such as an apartment or group residence, either by right or with conditional use approval. The applicant met with staff to review the situation. It was determined that the best way to address any concerns about refinancing the hotel/motel was to rezone the property from the LI district to the General Commercial (GC) district, which permits residential uses by right.

The other alternative to address the applicant's situation was to have the applicant request a formal interpretation from the zoning administrator regarding the legality of the longer stays. Assuming the zoning administrator determined the longer term stays did not constitute a prohibited residential use, such a ruling would not preclude some other interested party from appealing the interpretation to the Board of Zoning Appeals. The potential for an appeal would have left the applicant without a failsafe resolution and could jeopardize the applicant's refinancing opportunities. Therefore, the proposed zone change has been requested to permit long term stays.

Land located to the north of the site is zoned SF-5 Single-Family Residential (SF-5) and is developed with the Willowbend Golf Course. Land to the east of the subject tract is zoned LI and contains a steel fabrication facility. Land located to the south and west of the motel or hotel is vacant and is zoned LI.

CASE HISTORY: The property is platted as part of Lot 6, Block 1, Hi-Tech Industrial Park Second Addition, recorded in 1986.

ADJACENT ZONING AND LAND USE:

North: SF-5; golf course
South: LI; vacant
East: LI; steel fabrication plant
West: LI; vacant

PUBLIC SERVICES: The site is served by public services. North Comotara Street has 68 feet of full right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts the site appropriate for "employment/industry center" uses. The "employment/industry" category encompasses uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land located to the north of the site is zoned SF-5 Single-Family Residential (SF-5) and is developed with the Willowbend Golf Course. Land to the east of the subject tract is zoned LI and contains a steel fabrication facility. Land located to the south and west of the motel or hotel is vacant and is zoned LI. The property is located on the edge of a low impact industrial area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site could potentially continue to operate without the zone change; however, approval of the zone change will permit the use to be more economically successful without creating any external impacts.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change will not impact nearby properties in that the GC district permits virtually the same range of office, commercial and retail uses as the LI district does.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will help ensure the continued viability of the hotel/motel in an area of town that does not have an abundance of hotel/motel facilities. Denial would presumably represent to the applicant a loss of economic opportunity. The hotel/motel has clients that presumably want to continue to book long term stays. Approval to the request supports the public health, safety and welfare ensuring that the public continues to have a long term stay choice at the subject site.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the site appropriate for "employment/industry center" uses. The "employment/industry" category encompasses uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The existing hotel/motel use is not entirely consistent with the comprehensive plan recommendation for an employment center; however, the site employs staff, and has been a successful use at this location, and in the location's zoning and land use context since about 1995. Approval of the zone change does not prevent the site from being an even larger employment center. The zone change facilitates the site's ability to continue to offer long term stays as part of the hotel/motel's business model, and to continue to be economically successful.
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.

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

5. Case No.: ZON2015-00020 - Catholic Diocese of Wichita (owner/applicant) and Baughman Company, PA, c/o Phil Meyer (agent) request a City zone change from GC General Commercial and B Multi-family Residential to CBD Central Business District on property described as:

The west 140.00 feet of J. P. Hilton's Reserve in J. P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas, together with the south half of vacated alley adjoining on the north; TOGETHER with the south 53 feet of Lot 11, on Texas Avenue, now Broadway, in said J. P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas, together with the north half of vacated alley adjoining on the south and together with the west half of vacated alley adjoining on the east; and TOGETHER with the north 55.00 feet of the east 140.00 feet of J. P. Hilton's Reserve in said J. P. Hilton's Addition.

BACKGROUND: The applicant is requesting a zone change from GC General Commercial and B Multi-Family Residential to CBD Central Business District. The brick and stone, one story Lord's Diner (built 2001), a brick three-story office and parking occupy the platted approximately 1.34-acre site, located on the northeast corner of Central and Broadway Avenues. The Lord's Diner provides free hot evening meal in a safe environment, 365 days a year to anyone needing this service. More than the site's current zoning the proposed CBD more effectively resolves such issues parking and setbacks that would be triggered by the proposed expansion of the diner. The CBD zoning also matches the applicant's stone, CBD zoned Cathedral of the Immaculate Conception complex located south of the site across Central Avenue. This is the first application for CBD zoning north of Central Avenue.

All properties located south of the subject site, from Central Avenue and 2nd Street to Santa Fe Avenue are zoned CBD. The south adjacent development includes the already mentioned Cathedral complex, one-story, brick banks (built 1962, 2006), the YMCA (built 2012), one-three story, brick apartments (built 1929-1930), a large vacant church and a one-story, brick thrift shop (built 1940). Properties located west of the site, across Broadway Avenue, are zoned LC Limited Commercial and GC with development including a large First Presbyterian Church, a one-story, brick thrift shop (built 1920), and a two-story, brick office (built 1979). The GC and B zoned three-four story, stone, State and National Historical registered Sedgwick County Court House (built 1888) is located another block west. The State Historical registered GC zoned two-story, wood frame Twentieth Century Club (built 1894) and its attached three-four story, brick theater (built 1931) abut the north side of the site as does a B zoned brick, one-two story apartment (built 1920) and GO General Office zoned parking. The State and National Historical registered brick, eight-nine story Commodore apartment (built 1929) is located a block northwest of the site. B and GC zoned brick, two-three story apartments, parking, and social service office (built 1912-1915) are located east of the site across a paved alley.

CASE HISTORY: The site is located in the JP Hilton Addition, which was recorded with the Register of Deeds January 1, 1870. Wichita was platted in 1870 and incorporated in 1871, with the site being platted in 1870 making it part of the beginning of Wichita. VAC2005-00037 vacated the west half of an east-west paved alley that had separated the Lord's Diner from the north Diocese property. BZA2002-00014 was an approved variance to reduce parking on the site.

ADJACENT ZONING AND LAND USE:

NORTH: GC, GO, B	Office and attached theater, parking and apartment
SOUTH: CBD	Cathedral complex, banks, retail, apartments, YMCA, vacant church
EAST: B, GC	Apartments, parking office
WEST: GC, LC, B	Church, apartment, retail, County government building

PUBLIC SERVICES: The site has access off of Central and Broadway Avenues, both four-lane arterial streets, with center turn-lanes at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. GC zoning is generally compatible with the "Regional 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 requested CBD is the appropriate zoning for this recently (2001) redeveloped site, which is located north, across Central Avenue, from the original CBD zoned core of Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area. Although this is the first application for CBD zoning north of Central Avenue, CBD zoning has recently been extended west, across the Arkansas River, outside the original CBD core to include several properties in Delano, along 2nd Street and Douglas Avenue; ZON2013-00038 & ZON2014-00030.

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:** The GC and B zoned site is located on the north edge of the original CBD zoned downtown core of Wichita. All properties located south of the subject site, from Central Avenue and 2nd Street to Santa Fe Avenue are zoned CBD. The south adjacent development includes the already mentioned Cathedral complex, one-story, brick banks (built 1962, 2006), the YMCA (built 2012), one-three story, brick apartments (built 1929-1930), a large vacant church and a one-story, brick thrift shop (built 1940). Properties located west of the site, across Broadway are zoned LC Limited Commercial and GC with development including a large First Presbyterian Church, a one-story, brick thrift shop (built 1920), and a two-story, brick office (built 1979). The GC and B zoned three-four story, stone, State and National Historical registered Sedgwick County Court House (built 1888) is located another block west. The State Historical registered GC zoned two-story, wood frame Twentieth Century Club (built 1894) and its three-four story, brick attached theater (built 1931) abut the north side of the site as does a B zoned brick, one-two story apartment (built 1920) and GO General Office zoned parking. The State and National Historical registered brick, eight-nine story Commodore apartment (built 1929) is located a block northwest of the site. B and GC zoned brick, two-three story apartments, parking, and social service office (built 1912-1915) are located east of the site across a paved alley.

(2) **The suitability of the subject property for the uses to which it has been restricted:** The site's GC and B zoning allows the current uses of a charity sit-down restaurant, office and parking. However the proposed expansion of the site's facilities will bring it into conflict with the setback and parking requirements associated with its current GC and B zoning.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** With the exception of a loss of parking, the proposed CBD zoning should not have any detrimental impact on the area. CBD zoning is currently the dominate zoning to the south of the recently redeveloped site, which shares some similar patterns of uses as the original CBD core area, in regards (but not necessarily limited to) to parking and setbacks.
- (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 recently (2001) redeveloped site, which is located north, across Central Avenue, from the original CBD zoned core of Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area. Although this is the first application for CBD zoning north of Central Avenue, CBD zoning has recently been extended west, across the Arkansas River, outside the original CBD core to include several properties in Delano, along 2nd Street and Douglas Avenue; ZON2013-00038 & ZON2014-00030.

- (5) **Impact of the proposed development on community facilities:** Loss of parking will have an impact on the area, other than that there will be minimal impact on community facilities.

BILL LONGNECKER, Planning Staff presented the Staff Report. He said this is one of two phases to expand the kitchen area to allow for more refrigeration and preparation area to help facilitate food for the trucks that go out to the community for outreach service. He said this will not expand the dining area. He reported that DAB VI unanimously approved the request at the June 1, 2015 meeting. He said no one was present at that meeting to speak against the proposed rezoning. He said staff has received phone calls from people who were curious or concerned about the impact of CBD zoning on adjacent properties.

PHIL MEYER, BAUGHMAN COMPANY, 315 ELLIS, AGENT FOR THE APPLICANT said the Director and Board Chair for the Lord's Diner were present to answer any questions the Commission may have. He said this was part of a two-phase expansion which was for the food preparation area. He said the first expansion is for a food storage area. He said the second expansion was for the food preparation area which will take place north of the building; however, they do not have a site plan put together yet because they don't know exactly how the second expansion will occur. He said there is no planned expansion of the dining facility and they don't look to expand that service in the future. He said this proposed expansion is for the food truck service that they provide to several areas throughout the community. He commented that the proposed CBD zoning also solves the building setback and additional parking issues. He said this could be resolved by the Board of Zoning Appeals; however,

considering the surrounding downtown area this piece of property fits CBD zoning and that was the easiest solution. He added that the Diocese has an additional parking at the southwest corner of Central and Broadway that they will allow the Lord's Diner employees to use. He added that the food preparation is during off hours so there really is no parking issue.

TRIP SHAWVER, 634 NORTH BROADWAY said he is an attorney and his wife owns the buildings at 632 and 634 North Broadway. He said he is Roman Catholic so he was a little hesitant speaking against the Lord's Diner. But he feels a need because this proposed expansion. He said except what has been said here today, they don't know what the proposed expansion is. He said his main concern is the problem with transients coming in and laying on the ground. He said it got so bad, First Presbyterian Church put up wrought iron fencing. He said his clients have asked him what syringes are doing out there. He said that is the sort of problem the neighbors have got.

SHAWVER said the proponents said they are not going to expand the diner and have more traffic coming in but are expanding the food storage and preparation areas. He said this is the first he has heard about it. He said that is not down in writing in anything the Commission has, just what the agent said. He said before something is considered, he feels they should provide some specifics. He said he understands from the Internet that the Lord's Diner serves 600 people a day and he can see the herd coming down and back from his front window. He said there used to be three (3) attorneys in the office, now there is just him. He said no one wants to be there and mentioned that other building owners in the area have no occupancy and can't rent office space because of the foot traffic and transients in the area and it keeps increasing. He said he understands the need to take care of the homeless but you don't need to drive out the people who have had businesses in this area. He said he has had his office since 1976 and he would just as soon not move. He said it sounds like this will increase traffic and parking. He said he is careful when walking out his back door during off hours. He said anyone that comes to prepare food needs to have a buddy walk them to their car. He requested that before the Commission votes on this issue that they get the details of the proposed two-phase expansion to see what the applicant is talking about specifically. He also mentioned that he didn't get any notice of this proposal. He concluded by saying that the area is unsafe. He said the thrift shop on the corner of Central and Broadway could be any Arby's or other food place but no one wants to build there. He said he believes we have a civil duty to feed the homeless; however, he felt that others in the City should take up the slack rather than having it all fall at Broadway and Central.

CHAIR GOOLSBY clarified that no action the Commission takes today can remove the problem the speaker addressed.

SHAWVER said he thought that was incorrect and said the Commission can deny the request. He added that the Commission doesn't even know what the request is.

GOOLSBY explained that the request was to change the zoning to CBD.

SHAWVER said denying the expansion will leave things the way they are now.

GOOLSBY said whether the Commission approves the request or leaves it alone that won't change the current situation.

SHAWVER said if the Commission approves an expansion, the current situation is going to get worse.

GOOLSBY explained that the food trucks go off site around different areas in the City.

SHAWVER said he doesn't see that on the proposal.

GOOLSBY said the agent's remarks regarding the proposal are on the official record.

SHAWVER said unfortunately he's a lawyer and anything oral leaves the door open. He said if he were sitting on a Board he would want to see the details of Phase 1 and Phase 2 in writing before he voted on it. He also mentioned notifying the rest of the people in the neighborhood.

MEYER stated that the first expansion will be to the food preparation area of the kitchen. He said currently the Lord's Diner has two (2) trucks that serve the community. He said this expansion will allow them two (2) more trucks for a total of four (4) food trucks. He said the Lord's Dinner is aware that issues occur because of the service, but they provide a very needed service to the community and that service is not going to change whether the Commission approves the zone change or not. He said the Lord's Diner is there, they are going to stay there, and they will continue to provide this much needed service to the community. He said the kitchen expansion is only what they are planning and the Board of Director's has not provided a site plan because nothing has been approved yet. He said they did not want to provide the Commission information that may change later. He said his personal opinion is that the CBD should probably go all the way from Murdock to downtown. He said if you drive through the area it makes sense for CBD up to Murdock in his opinion.

WARREN said the speaker brought up some interesting points. He said if the Lord's Diner plans on expanding services and servicing more people in need at this location then that demands further discussion. He said it sounds like the applicant doesn't want to cut off that possibility.

MEYER said he did not say that. He said their only intention is to expand the kitchen facility and preparation area. He said there will be no expansion of the dining facility; he wanted to be clear on that.

FOSTER mentioned that approving a zone change with no conditions seems atypical. He said at the very least a site plan should be submitted before buildings permits are issued.

MEYER said they are requesting CDB zoning at today's hearing. He said he has not seen protective overlays or site plans required with a request for CDB zoning. He said that is why there are no conditions or protective overlays; that is not typical. He added that there are no setbacks or parking requirements either. He said those requirements don't exist in CDB zoning and they feel that zoning is appropriate at this location.

B. JOHNSON he said he appreciates them coming to the Commission before they have drawings because then the comment would be "Why didn't you come to us before you decided to do this." He said developing plans and drawings costs a lot of money. He also mentioned a project currently taking place in Derby where they are building a central kitchen to service all the schools in Derby and he can see why that would be very efficient.

DENNIS said his wife worked just north of this area for many years and had to go to work very early in the morning so he drove her to work and picked her up every day. He said he understands what Mr. Shawver was saying about safety in the area. He said the requested zone change to CBD is not going to impact any of those underlying problems.

MOTION: To approve subject to staff recommendation.

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

GOOLSBY (Out at 3:30 P.M.)

NEUGENT In the Chair.

6. **Case No.: CON2015-00019** - Car Smart Used Cars LLC, Dennis Sanders (applicant) and Greg Ferris (agent) request a City Conditional Use for car sales and self storage on LC Limited Commercial zoned property on property described as:

Lot 1, Block 1, Johnsons Garden Center Ridge Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a “conditional use” to allow outdoor vehicle sales, boat and recreational vehicle storage, and “self-service storage” on Lot 1 Block 1, Johnson’s Garden Center Ridge Addition, which is currently zoned Limited Commercial (LC). The site is located approximately 700-feet north of W. Central Avenue on the east side of N. Ridge Road (802 N. Ridge Road). The subject site is developed with six structures that were used for retail, office and greenhouses during the time the property was operating as a garden/landscaping center. The applicant proposes to retain three buildings on the west end of the property and remove the greenhouses. Fifteen new self-service storage units will be built and an area designated for storage of boats and recreational vehicles. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales and indoor self-service storage may be permitted with a conditional use in the LC zoning district. Outdoor storage of boats and recreational vehicles are not allowed in LC.

The applicant’s site plan shows the existing retail structure, maintenance building and office building. The site has two existing drives onto North Ridge Road. The site plan also indicates the drive access to the self-service storage units and the parking for vehicle display, customer and employee parking.

Property north and east of the site is zoned Multi-Family Residential (MF-29) and developed with an apartment complex. Property south of the site is zoned LC and developed with a federally subsidized apartment complex. Property west of the site is zoned Tw-Family Residential (TF-3) and Single-Family Residential (SF-5) and is developed with residential use. Ridge Road, a five-lane arterial separates the residential use from the project site.

There are similar uses in the area. Two small outdoor vehicle sales and vehicle repair limited establishments are located approximately one mile east of the site on the east side of I-235 at West Central and North Hoover Road. Just over a mile to the west at the northwest corner of West Central and North Tyler Road is a large lot (six acres) used car sales business adjacent to a large lot (4.67 acres) new car sales business. One-half mile south of the subject site is a warehouse/self-storage facility with boat and recreational vehicle storage on a 3.5 acre General Commercial (GC) zoned lot.

Outdoor vehicle and equipment sales and self-service warehouse uses are subject to supplementary use regulations control in UZC Article III, Section III-E.6. x and y (respectively).

CASE HISTORY: The site was platted with LC zoning as Johnson's Garden Center Ridge Addition; Wichita, Sedgwick County, Kansas on June 26, 1998. Johnson's Garden Center closed that location several years ago.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29	Apartment Complex
SOUTH:	LC	Apartment Complex
EAST:	MF-29	Apartment Complex
WEST:	TF-3; SF-5	Duplex and Single-family Residential

PUBLIC SERVICES: The subject property has access to Ridge Road, a five-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: multi-family residential, medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a conditional use application.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, an application for a conditional use for a small site for car sales and warehouse/self-storage would be appropriate given the size of the lot. In this case the applicant proposes to retain the permitted by right limited vehicle repair business which will include paint-less dent repair, while operating a used car sales lot. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

- 1) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will be per City Code including landscaping, building and fire code compliance and any other applicable standards.
- 2) Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC.

- 3) In addition to uses permitted by right in the LC zoning district, the site is permitted “vehicle and equipment sales, outdoor” as long as the sale of vehicles is associated with a legal vehicle repair use and subject to Article III, Section III-D.6.x (attached). Paint-less dent repair is also permitted, no other auto-body work is allowed at this location. The sale or rental of trailers, motorcycles or scooters and vehicles or trucks larger than pickups is not permitted. The storage of boats and recreational vehicles is not permitted.
- 4) Self-service storage is permitted subject to Article II, Section III-D.6.y (attached).
- 5) The applicant shall submit a revised dimensional site plan for review for approval by the Planning Director, prior to the selling of any cars or light trucks, within six months of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time and confirms the site meets the parking standards for the approved car sales lot, vehicle repair limited and warehouse/self-storage. The site will be developed according to the revised site plan.
- 6) All improvements shall be completed within one year of the approval of the conditional use by the MAPC or the City Council. No selling of cars, vehicle repair or self-storage shall be allowed until all permits have been acquired and all improvements to the site have been made.
- 7) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 8) 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.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north and east of the site is zoned MF-29 and developed with an apartment complex. Property south of the site is zoned LC and developed with a federally subsidized apartment complex. Property west of the site is zoned TF-3 and SF-5 and is developed with residential use. Ridge Road, a five-lane arterial, separates the residential use from the project site.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its proposed use as outdoor vehicle and equipment sales, vehicle repair limited and indoor self-service storage.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales and self-service storage on a site this size when developed with the conditional use, will have a minimum negative effect on the area, with the application of access control, landscaping, screening and the other conditions on the site.

7. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” “This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: multi-family residential, medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” There is no adopted neighborhood plan that would specifically discourage car rental at this site. The conditional use conditions should mitigate any potential negative effects on surrounding properties.
8. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.

EXERPTED UNIFIED ZONING CODE

Art. III, Zoning District Standards

Sec. III-D.6.x and y, USE REGULATIONS

x. Vehicle and Equipment Sales, Outdoor, in LC. Outdoor Vehicle and Equipment Sales shall be subject to the following standards when located within the LC District.

- (1) Location shall be Contiguous to a major Street as designated in the *Transportation Plan* adopted by the Governing Bodies, and as amended from time to time.
- (2) Visual Screening of areas Adjacent to residential zoning Districts shall be provided to protect Adjacent properties from light, debris and noise and to preserve Adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case shall Screening be less than that required by Sec. IVB.1-3.
- (3) All Parking, Outdoor Storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries Abutting streets, except at driveway entrances or where Fences are erected, to ensure that parked Vehicles do not encroach onto public Street Right-of-Way.
- (4) The lighting shall be in compliance with the lighting requirements of Sec.IV-B.4. No string-type or search lighting shall be permitted.
- (5) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
- (6) No repair work shall be conducted except in an enclosed Building, and further provided that no body or fender work is done.
- (7) Only those Signs permitted in the LC District shall be permitted on this Site, except that no portable, flashing, moving or off-site Signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.

(8) There shall be no use of elevated platforms for the display of Vehicles.

y. Warehouse, Self-Service Storage, in GO and LC. Self-Service Storage Warehouse facilities shall be subject to the following standards when located within the GO or LC Districts.

(1) A tract for such use located in the GO District shall be Contiguous with a less restrictive District.

(2) The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the *Transportation Plan* adopted by the Governing Bodies, and amended from time to time.

(3) All buildings shall set back at least 35 feet from arterial Street Rights-of-Way lines. There shall be a minimum 20-foot Building Setback line from all other Streets, unless a platted Building Setback line would require a greater Setback.

(4) Where the Lot is Contiguous to a residential zoning District, a landscaped Yard with a minimum depth of 15 feet shall be provided on the Lot Contiguous to the residential zoning District and a landscaped front Yard with a minimum depth of 15 feet shall be provided when within 100 feet of a residential zoning District or when across the street from a residential zoning District. The landscaping shall be in addition to any architectural Screening type Fences or face of the structures that shall be designed to Screen the use from the residential neighborhood. Such Fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet or more than eight feet in height. The landscaped Yard may be reduced in depth to not less than the minimum Side and Rear Setback required by the property development standards of the applicable zoning District of the Lot when the Contiguous residential zoning District is occupied by any legal Nonconforming office, commercial or industrial Use, or when Adjacent to a property where an adopted zoning policy by the Governing Body is to look with favor on office, commercial or industrial zoning for the area.

(5) When the Development is in close proximity to residential development, the architectural design shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the architecture is compatible with the surrounding development, and that adequate Screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Planning Commission, may be retained in the MAPC case file and by the Zoning Administrator to ensure that final Development plans and construction comply therewith.

(6) Any side of the Building providing doorways to storage areas shall be set back from the property line at least 40 feet when Contiguous to a residential zoning District.

(7) Off-street Parking shall be required on the basis of one space for each 8,000 square feet of Floor Area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

- (8) All driveways, Parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or Fences shall be provided to prevent the extension of Vehicles beyond property lines.
- (9) All lights shall be shielded to direct light onto the Uses established and away from Adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
- (10) All storage on the property shall be kept within an enclosed Building, unless a portion of the property or Lot is properly zoned to otherwise permit a designated area for outside storage.
- (11) No activities such as miscellaneous or garage sales shall be conducted on the premises.
- (12) The servicing or repair of Motor Vehicles, boats, Trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
- (13) Signs shall be limited to one per arterial Street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.
- (14) All areas not paved in accordance with the requirements of this section shall be landscaped with deciduous and coniferous plant materials. The Landscaping plan shall be approved by the Planning Department. Maintenance of the Landscaping shall be sufficient to maintain it in good condition.
- (15) The area shall be properly policed by the owner or operator for removal of trash and debris.
- (16) The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of Vehicles is part of such business.
- (17) A resident manager shall be required on the Site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
- (18) No more than 45 percent of the Lot Area shall be covered by Buildings.
- (19) No individual or business shall lease more than 3,000 square feet of storage spaces.

KATHY MORGAN, Planning Staff presented the Staff Report. She indicated there would be no outdoor storage. She referred to the site plan provided with the agenda packet which indicated outdoor boat and recreational vehicle storage and said that was no longer a part of the application. She said any boat or other storage would be inside the building.

RICHARDSON referred to the site plan provided with the packet. He said he had concerns regarding how many cars would be available for sale on the lot and asked if there was some way to limit that.

MORGAN said the site plan reflects a maximum of ten (10) vehicles for sale.

RICHARDSON said he assumed the vaulted fabric greenhouse was not going to stay and asked if that area would be vehicle sales.

MORGAN indicated the vehicle sales would be along the front edge. She said the application states that no more than ten (10) vehicles will be available for sale at any one time.

RICHARDSON clarified that the site plan had governance. He said he agreed with the storage and ancillary sales; however, he didn't want this to become a giant car lot.

MORGAN indicated that the applicant would need to adhere to the site plan.

GREG FERRIS, FERRIS CONSULTING, AGENT FOR THE APPLICANT said the applicant submitted a site plan reflecting only ten (10) cars for sale at one time. He said they had no problem if the Commission wanted to include that in the conditions of approval.

MOTION: To approve subject to staff recommendation and the stipulation of only ten (10) cars for sale at one time per the site plan.

DENNIS moved, **WARREN** seconded the motion, and it carried (9-0).

NON-PUBLIC HEARING ITEMS

MILLER indicated that a number of City appointments were getting ready to expire June 30. He requested that Commissioners talk to their appointing Council Members.

The Metropolitan Area Planning Commission adjourned at 3:40 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)

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

June 18, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 18, 2015 at 1:35 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 Foster; Bill Johnson; John McKay Jr.; Debra Miller Stevens (Out @1:57 p.m.); M.S. Mitchell; Bill Ramsey; Lowell E. Richardson and Chuck Warren. David Dennis; Joe Johnson and Don Klausmeyer were absent. Staff members present were: John Schlegel, Director; Bill Longnecker, Senior Planner; Kathy Morgan, 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 May 7, 2015 MAPC meeting minutes.

MOTION: To approve the May 7, 2015 Planning Commission minutes.

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

B. JOHNSON – Abstained

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2015-00005: One-Step Final Plat – SLADE’S SECOND ADDITION**, located south of 55th Street South, east of Meridian.

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 plat'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 plat'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 plat's text.
- 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 plat's text shall include reference to "a lot and a block" in the owner's certificate.
- P. The plat'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.
- 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).

CHAIR GOOLSBY announced that the item has been deferred to the July 9, 2015 Planning Commission Meeting.

2-2. SUB2015-00006: Revised One-Step Final Plat – HARBOR ISLE 4TH ADDITION,
located east side of Meridian, north of 45th Street North (extended).

NOTE: This is an unplatted site located within the City of Wichita in addition to a portion of Harbor Isle 3rd Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve the site. Transmission and distribution fees are due on water.
- B. Environmental Health Division advises that if the recreational facilities in the reserves include restrooms, the appropriate sanitary treatment arrangements will be needed, either pump out sumps, septic system and field, or connection to sanitary sewer. Any wells installed on the property will have to be properly permitted and inspected.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. The plat denotes complete access control along Meridian. Traffic Engineering has approved the access controls.
- E. As the plat consists of commercial lots abutting a non-arterial street, the Subdivision regulations require a sidewalk along the Driftwood street frontage. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided. The applicant will be providing a restrictive covenant which limits the property to SF-5 uses, which negates the requirement for a Sidewalk Certificate.
- F. 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.
- G. 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.
- H. The Subdivision regulations discourage the inclusion of pipeline easements within residential lots. It is recommended that the pipeline crossing the plat be included within a Reserve, or in the alternative a restrictive covenant provided identifying the pipeline easement.
- I. County Surveying has contacted the plat surveyor and all comments have been addressed and corrected.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The plat'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.

- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Westar Energy advises that Heide Bryan, Subdivision Representative, will be the contact for this project. She can be reached at 316-261-6554 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.
- S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

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

- 2-3. **SUB2015-00010: Final Plat – SPRING ACRES ESTATES ADDITION**, located on the south side of 21st Street North, on the west side of 327th Street West.

NOTE: This is unplatted property located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. This final plat consists of the north portion of the overall preliminary plat approved for the site and represents the first phase of development.

The plat is consistent with the preliminary plat in regards to lot configuration and street layout.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells.
- B. The plat denotes a lot under the two-acre minimum lot size requirement for the RR district. The zoning code permits a reduction in lot area for Lot 5, Block A due to the 21st Street North dedication of right-of-way.
- C. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to Metropolitan Area Building and Construction Department to assure the availability of an adequate, safe supply of water that does not impair existing water rights.
- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- E. County Public Works has requested revisions to the drainage plan. A Notice of Intent and a stormwater permit are needed. The applicant proposes a temporary stormwater treatment facility in an off-site location. The applicant and County need to meet to discuss proper covenants and easements required to manage the temporary facility and guarantee its relocation to the permanent location. The plat shall include minimum building pad elevations for the lots in Block C.
- F. County Public Works has approved the access controls. The plat proposes three openings along 21st Street North which includes two street openings; and complete access control along 327th Street West.
- G. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- H. The applicant shall guarantee the installation of the interior streets to the standard suburban gravel streets.
- I. 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.

- J. 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.
- K. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- L. County Surveying advises that 1407.00 feet on the last line of the legal description needs revised to 733.44.
- M. "Wichita, Sedgwick County" shall be replaced with "Sedgwick County" in the plat's text.
- N. GIS has approved the plat's street names.
- O. County Surveying has contacted the plat surveyor and all comments have been addressed and corrected.
- P. The plat'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.
- W. This plat is outside the Westar Service Territory but has Westar transmission lines along or near the plat. Westar Transmission Engineering area has contacted the agent for the applicant for construction plans and with other information. Any removal or relocation of existing equipment of utility companies 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).

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

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

2-4. SUB2015-00016: Final Plat – MONARCH LANDING COMMERCIAL
ADDITION, located on the northwest corner of 21st Street North and 159th Street East.

NOTE: The site has been approved for a zone change (ZON2006-00045) from SF-5 Single-Family Residential to LC Limited Commercial. The Monarch Landing Community Unit Plan (CUP2006-00046, DP-303) was also approved for the site.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sewer are available. Transmission and distribution fees are due on water. Lateral fees are due on sewer.
- 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. The plat proposes five access openings along 21st Street North including two rights-in/out openings and two access openings along 159th Street East. Traffic Engineering has approved the access controls. The applicant is reminded that the right-in/right-out openings need to have one-way signs placed on the median per the Manual on Uniform Traffic Control Devices (MUTCD).

- E. In accordance with the CUP, the applicant shall guarantee construction of left turn center lanes to all major entrances and decel lanes into all major entrances.
- F. As the plat consists of commercial lots abutting a non-arterial street, the Subdivision Regulations require a sidewalk along Flutter Lane. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided which states that the sidewalk will be installed within 30 days of a connecting sidewalk being placed on the north of Flutter.
- G. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- H. The Applicant needs to request a CUP adjustment as the CUP parcel boundaries do not correspond with the area being platted.
- I. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Monarch Landing Community Unit Plan (CUP2006-00046, DP-303).
- J. 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.
- K. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- L. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- M. The plat's text shall reference, "an addition to Wichita, Sedgwick County, Kansas".
- 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 has contacted the plat surveyor and all comments have been addressed and corrected.
- P. The plat'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.
- W. Any removal or relocation of existing equipment of utility companies 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).

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

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

3. PUBLIC HEARING – VACATION ITEMS

- 3-1. VAC2015-00018: City request to vacate a portion of a platted utility easement on property,** generally located midway between Webb and Greenwich Roads, south of Harry Street, west of Smithmoor Street on the south end of Countryside Circle.

OWNER/APPLICANT: Dan & Katie Harmon (owners/applicants)

LEGAL DESCRIPTION: Generally described as vacating the 10 feet of the platted 20-foot wide utility easement located on Lot 30, Block 1, Smithmoor First Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between Webb and Greenwich Roads, south of Harry Street, west of Smithmoor Street on the south end of Countryside Circle (WCC #II)

REASON FOR REQUEST: Room addition

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

The applicants propose to vacate the south 10-foot half of the of the platted 20-foot utility easement, split in half by the common interior property line of Lot 30 (subject property) and Lot 29, all in Block 1, Smithmoor First Addition. The subject easement also abuts a platted 20-foot utility easement located on its west side, which has a sewer line located in it, and Countryside Circle, a public street, on the east. The vacation request will not impact the sewer line. The vacation request will not encroach into the Unified Zoning Code's SF-5 Single-Family Residential zoned 6-foot interior side yard setback. There are no utilities located in the subject easement. The Smithmoor First Addition was recorded with the Register of Deeds September 23, 1986.

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 portion of a platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 28, 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 utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- 1) Vacate the south 10-foot half of the of the platted 20-foot utility easement located in Lot 30, Block 1, Smithmoor First Addition.
- 2) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the south 10-foot half of the of the platted 20-foot utility easement located in Lot 30, Block 1, Smithmoor First Addition.
- (2) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

- 3-2. **VAC2015-00019: City request to vacate a platted alley**, generally located between Emporia - 3rd Street - St Francis -2nd Street.

APPLICANT/AGENT: Wichita High LLC, Marketplace Properties LLC, United Methodist Open Door, Chestnut Properties, Pixius Communications LLC, Coordinated Systems & Supplies Inc, David Burke, and Deborah J & David Burke (applicants)

LEGAL DESCRIPTION: Generally described as vacating the platted 20-foot wide alley abutting Lots 65-43 (odd, Emporia Avenue side), Lots 66-44 (even, was Fourth Avenue now St. Francis Avenue side), the north side of 2nd Street, the south side of 3rd Street, all in the JR Mead Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between Emporia Avenue - 3rd Street - St Francis Avenue -2nd Street (WCC VI)

REASON FOR REQUEST: Future development

CURRENT ZONING: The subject site is platted alley right-of-way. All abutting and adjacent properties are zoned CBD Central Business District (CBD)

The applicant is requesting the vacation of the paved, platted 20-foot wide alley right-of-way (ROW), abutting Lots 65-43 (odd, Emporia Avenue side), Lots 66-44 (even, was Fourth Avenue now St. Francis Avenue side), the north side of 2nd Street, the south side of 3rd Street, all in the JR Mead Addition. There is a sewer line and manholes, stormwater equipment and power poles and lines located in the alley. 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 JR Mead Addition was recorded with the Register of Deeds September 26, 1870.

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 May 28, 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, 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. This 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 franchise utilities and continuation of curb and gutter. 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, 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. This 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 franchise utilities and continuation of curb and gutter. 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.

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

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

- 3-3. **VAC2015-00020: City request to vacate a portion of platted access control**, on property generally located midway between 13th and 21st Street North on the west side of 159th Street East.

APPLICANT/AGENT: Timothy J Buchanan Revocable Trust (applicant/owner) Baughman Company, PA, c/o Phil Meyer (agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of the south 404.41 feet of the platted complete access control of Reserve C, the Ranch Addition to permit two drives onto 159th Street East off of Lot 33, Block A, the Ranch Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between 13th and 21st Streets North on the west side of 159th Street East (WCC II)

REASON FOR REQUEST: To allow two drive onto 159th Street East

CURRENT ZONING: The site and all abutting west and north properties are zoned SF-5 Single-family Residential (SF-5). Abutting south property is a rails to trails zoned SF-20 Single-Family Residential (SF-20). Adjacent east property, across 159th Street East, is located in the city of Andover, Butler County

The applicant proposes to vacate the platted access control along the south 404.41 feet of Reserve C, the Ranch Addition to permit two drives onto 159th Street East off of the 6.1-acre Lot 33, Block A, the Ranch Addition. As platted this portion of Reserve C is permitted one drive onto 159th Street East. As platted this portion of Reserve C is owned by a Home Owners Association (HOA). The owners of Reserve C (HOA) and Lot 33, Block A, all in the Ranch Addition have signed the application/petition. 159th Street East is a County/Township paved two-lane arterial at this location. Basswood Drive, a public street located in a residential subdivision in the city of Andover, is located across 159th Street East from the north portion of Reserve C; there are no other points of access onto 159th Street East from east side of 159th. The current Subdivision standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the

MAPC. There may be hydrants, water lines and valves located in the area of the vacation. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described area of the vacation request. The Ranch Addition was recorded with the Register of Deeds December 13, 2013.

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 portion of platted complete access control.

- 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 May 28, 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 platted complete access control 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) Per the approval of the Traffic Engineer, vacate the platted complete access control to allow one additional drive onto 159th Street East along the south 404.41 feet of Reserve C, the Ranch Addition for Lot 33, Block A, the Ranch Addition. Provide a dedication of access control allowing two drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has utilities located in the area of the vacation request. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) Westar has utilities located in the area of the vacation request and will need an easement to cover those utilities. Provide any needed easement for Westar. Provide Planning with Westar's approval prior to the case going to Council for final action.

- (5) All improvements shall be according to City Standards and at the applicant's 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) Per the approval of the Traffic Engineer, vacate the platted complete access control to allow one additional drive onto 159th Street East along the south 404.41 feet of Reserve C, the Ranch Addition for Lot 33, Block A, the Ranch Addition. Provide a dedication of access control allowing two drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has utilities located in the area of the vacation request. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (4) Westar has utilities located in the area of the vacation request and will need an easement to cover those utilities. Provide any needed easement for Westar. Provide Planning with Westar's approval prior to the case going to Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

3-4. VAC2015-00021: City request to vacate a platted easement, on property located on the northeast corner of Webb Road and Kellogg Street.

- OWNER/AGENT:** Costco Wholesale (owner) Olsson Associates c/o Brett Lauritsen (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the west 164 feet of the platted east-west 20-foot wide utility easement beginning where it abuts Webb Road and the platted curved north-south 10-foot wide utility easement from where it abuts Webb Road to its intersection with the noted platted east-west 20-foot wide utility easement, all in Lot 1, Block 1, Costco Wholesale Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the northeast corner of Webb Road and Kellogg Street (WCC #11)
- REASON FOR REQUEST:** Relocation of utilities
- CURRENT ZONING:** The site and the abutting north and east properties are zoned LI Limited Industrial (LI). Adjacent west and south properties (across Webb Road and Kellogg Street) are zoned LC Limited Commercial (LC) and GC General Commercial (GC).

The applicant propose to vacate the west 164 feet of the platted east-west 20-foot wide utility easement beginning where it abuts Webb Road and the platted curved north-south 10-foot wide utility easement from where it abuts Webb Road to its intersection with the noted platted east-west 20-foot wide utility easement, all in Lot1, Block 1, Costco Wholesale Addition. The vacation is part of the relocation of utilities. The applicant has a proposed easement to cover the relocated utilities. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. The Costco Wholesale Addition was recorded with the Register of Deeds November 26, 2014.

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 utility easements.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 28, 2015, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portions of platted utility easements and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- 1) 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 Planning with 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 Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- 4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) 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 Planning with 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 Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

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

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

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

PUBLIC HEARINGS

4. **Case No.: CON2015-00020** - Three Angels Seventh-Day Adventist Church (owner/applicant) requests a City Conditional Use request for a 100-foot FM radio tower on LC Limited Commercial zoned property described as:

Lot 1, Three Angels Addition, Sedgwick County, Kansas.

BACKGROUND: The applicant, Three Angels Seventh-Day Adventist Church, is seeking a Conditional Use to permit the construction of a 100-foot tall, lattice tower and equipment for a FM radio broadcast system on the LC Limited Commercial zoned west portion of their 9.78-acre property; Lot 1, Three Angels Addition. The “Wireless Communication Master Plan” (WCMP) defines a FM/AM radio broadcast system as a wireless communication facility. The WCMP allows administrative permits on LC zoned properties for new undisguised ground-mounted wireless communication facilities of up to 120 feet in height that comply with the compatibility height standards of the “Unified Zoning Code” (UZC) and are designated on the “Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map.” The applicant’s site plan shows the facility to comply with the UZC’s compatibility height standards. Because the site is not shown on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map, a Conditional Use request is required. The site is not located within an “Airport Hazard Zone Area.” However the property located on the northwest corner of 45th Street North and Hydraulic Avenue is located within Airport Hazard Zone D, which allows a 300-foot maximum height for new undisguised ground-mounted wireless communication facilities. This close proximity to an Airport Hazard Zone D area would seem to indicate that the proposed 100-foot height of the lattice tower is not going to be a problem.

The LC zoned portion of the site is located on the southeast corner of Hydraulic Avenue and 45th Street North. The applicant’s site plan shows the LC zoned portion of the applicant’s site developed with two existing stand-alone buildings used for a private/parochial school, a church/multi –purpose area, and a sanctuary. The site plan also shows existing paved parking and an outdoor playground and basketball court. The site plan shows the proposed FM/AM facility located on the southeast side of their existing multi-purpose building and sanctuary. This location will place the facility approximately 365 feet south of 45th Street North, and approximately 121 feet north of Kansas State Highway 254 (K-254). The applicant’s site has access onto 45th Street North. Access to the facility is through the site’s paved parking and internal circulation. The SF-5 zoned portion of the site is not developed.

The K-254 – I-135 interchange dominates the area west of the site, with a narrow strip of undeveloped LI Limited Industrial (LI) zoned land located between the interchange and Hydraulic Avenue. A two-story apartment complex (built 2003), a single-family residential subdivision (built 2008-2015), three large lot/tract single-family residences (built 1965, 1976 and 1998) and undeveloped land are located north of the site, across 45th Street North, in Park City. SF-20 Single-Family Residential (SF-20) and SF-5 zoned large tract/lot residences (built 1919, 1074 and 1986) and farm land are located northeast of the site, across 45th Street North. A partially developed SF-5 zoned single-family subdivision is also located northeast of the site, across 45th Street North. K-254 separates the south side of the site from SF-5 zoned farmland (residence built 1920) and GI General Industrial (GI) zoned land developed with oil/gas storage tanks and equipment. K-254 and SF-5 zoned farmland are located east of the site.

The applicants has provided a map showing three towers within a one-mile radius of the site and another tower (the Journal Broadcasting tower) located just over a mile southwest of the site. The applicant has also provided a letter stating that lattice guy-wired American tower (more or less 300-feet tall) located less than a half-mile north of the site (west side of Hydraulic Avenue and in Park City) has not responded to the applicant's co-location inquires. The K-DOT lattice tower located approximately one-mile east-northeast of the site has told the applicant that they are primarily a tower for state and local government agencies to use. The response from K-DOT is consistent with the information K-DOT provided in the past to staff. The applicant has not provided information about the monopole tower located less than a mile south of the site, off of 37th Street North and Hydraulic Avenue. The applicant has identified the three lattice guy-wired towers located over a mile west of the site, off of Old Lawrence Road and north of 37th Street North and I-235. The applicant did not identify two USD 259 towers located a mile straight south of the site. Staff found no case history on any of these towers. Even with co-location on these towers the applicant would still need to build a tower and equipment on their site to receive and broadcast from their site; the site is the origin of the broadcast.

Wireless communication providers are particularly encouraged to seek large park areas (but not limited to) for the new locations for new facilities. The Public Bridgeport soccer fields are located over a mile and a quarter from the site and is not considered an option by the applicant, as they would still need to build a tower and equipment on their site to receive and broadcast from their site

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.

CASE HISTORY: The Three Angels Addition was recorded with the Register of Deeds August 14, 2001.

ADJACENT ZONING AND LAND USE:

NORTH: Park City, SF-20, SF-5 Undeveloped land, two-story apartment complex, single-family residences

SOUTH: K-254, SF-5, GI State highway, farm land, oil/gas storage and equipment

EAST: LI, K-254 – I-135
WEST: K-254,

Undeveloped land, state highway – interstate highway interchange
State highway, farmland

PUBLIC SERVICES: No municipally supplied public services are required. The applicant will extend electrical service to the site. The site has paved access to 45th Street North, a paved two-lane arterial street at this location. The proposed wireless communication facility and its 100-foot tall tower will generate less traffic onto 45th Street North than any of the non-residential 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 “major institutional.” The major institutional category includes institutional uses of a significant size and scale of operation and includes such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical facilities. The site’s LC zoning is appropriate for the major institutional category. The UZC considers a wireless communication facility a commercial type of use.

The WCMP allows administrative permits on LC zoned properties for new undisguised ground-mounted wireless communication facilities of up to 120 feet in height that comply with the compatibility height standards of the UZC and are designated on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map. The applicant’s site plan shows the facility to comply with the UZC’s compatibility height standards. Because the site is not shown on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map, a Conditional Use request is required. The site is not located within an Airport Hazard Zone Area.

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 lattice tower is not the first tower in the general area, as there are +/- 300-foot tall lattice guy-wired towers, a K-DOT lattice tower, and a monopole tower located approximately a mile from the site as well as another +/- 300-foot tall lattice guy-wired tower located approximately one-half mile north of the site; 2) Minimize the height, mass, or proportion. As shown on the applicant’s photographs of a similar tower, the proposed 100-foot tower provides a slimmer, less obtrusive profile than the area’s other towers; 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. The applicant’s proposed tower more closely resembles City microwave lattice towers; 4) Use colors, textures, and materials that blend in with the existing environment. The lattice tower 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. A church steeple or cross disguises were mentioned to the application; 6) Be placed in areas where trees and/or buildings obscure some or all of the facility. The site has existing trees along the south side of the site and it’s placement on the southeast corner of the existing buildings provide some cover for the 100-foot tall lattice tower. 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 proposed tower is placed behind existing buildings, which provides additional screening for the nearest residences

located approximately 460 feet north of the proposed facility/tower ; 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 lattice 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 lattice tower 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 four (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 LC zoned portion of the site is located on the southeast corner of Hydraulic Avenue and 45th Street North. The K-254 – I-135 interchange dominates the area west of the site, with a narrow strip of undeveloped LI Limited Industrial (LI) zoned land located between the interchange and Hydraulic Avenue. A two-story apartment complex (built 2003), a single-family residential subdivision (built 2008-2015), three large lot/tract single-family residences (built 1965, 1976 and 1998) and undeveloped land are located north of the site, across 45th Street North, in Park City. SF-20 Single-Family Residential (SF-20) and SF-5 zoned large tract/lot residences (built 1919, 1074 and 1986) and farm land are located northeast of the site, across 45th Street North. A partially developed SF-5 zoned single-family subdivision is also located northeast of the site, across 45th Street North. K-254 separates the south side of the site from SF-5 zoned farmland (residence built 1920) and GI General Industrial (GI) zoned land developed with oil/gas storage tanks and equipment. K-254 and SF-5 zoned farmland are located east of the site. There are three towers within a one-mile radius of the site and another tower (the Journal Broadcasting tower) located just over a mile southwest of the site. Most of these towers are +/- 300-foot lattice guy-wired towers that have been in the area for some time; staff could find no case history on this tower. Even with co-location on these towers the applicant would still need to build a tower and equipment on their site to receive and broadcast from their site; the site is the origin of the broadcast.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC and SF-5. The LC portion of the site is currently developed with two existing stand-alone buildings used for a private/parochial school, a church/multi –purpose area, and a sanctuary. The site also has existing paved parking and an outdoor playground and basketball court. The SF-5 zoned portion of the site is not developed. The site could be developed for many commercial uses by right or continue to be used, by right, as a religious-educational complex.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed 100-foot tall, wireless, galvanized steel, lattice tower would not be the first in the general area of a radius of one-mile. 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 proposed 100-foot tall lattice tower does not resemble the area's existing +/- 300-foot tall lattice guy-wired towers, but more closely resembles the City of Wichita's lattice towers, especially those placed along-side the City's fire stations.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The 2013 Land Use Guide of the Comprehensive Plan identifies the LC zoned site as major institutional. The major institutional category includes institutional uses of a significant size and scale of operation and includes such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical facilities. The site's LC zoning is appropriate for the major institutional category, as it allows by right most of the types of uses listed above. The UZC considers a wireless communication facility a commercial type of use.

The WCMP allows administrative permits on LC zoned properties for new undisguised ground-mounted wireless communication facilities of up to 120 feet in height that comply with the compatibility height standards of the UZC and are designated on the Properties Eligible for an

Administrative Permit for a Wireless Communication Facility Map. The applicant's site plan shows the facility to comply with the UZC's compatibility height standards. Because the site is not shown on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map, a Conditional Use request is required. The site is not located within an Airport Hazard Zone Area.

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.

BILL LONGNECKER, Planning Staff presented the Staff Report.

FOSTER clarified Condition E. that there were two (2) other providers.

RICHARDSON asked about strobes and painting the tower red and white and how that determination is made.

LONGNECKER said the FAA makes the determination and the applicant provides that information to staff prior to issuance of a building permit.

RICHARDSON asked if the Commission had input on that.

LONGNECKER stated that it was a public safety issue and the FAA will make the recommendation.

MOTION: To approve subject to Staff recommendation.

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

NON-PUBLIC HEARING ITEMS

CHAIR GOOLSBY mentioned drafting a letter to the County Commission to explain the Commission's action regarding dissolving the Board of Zoning Appeals into a County BZA and City BZA. He asked Commissioners for direction and a few points they would like to see included in the communication.

NEUGENT said her concern was use of the term "consolidation" which she believes has a negative connotation.

GOOLSBY mentioned the Commission doesn't see it as people in the City telling the County what to do, that we are all residents of Sedgwick County.

RICHARDSON said that was the point, they are all residents of Sedgwick County and pay the same amount of taxes. He said excluding a major portion of the tax base from the decision making seems to be flawed. He said the City is an artificial boundary; everyone lives in Sedgwick County and pays County taxes.

FOSTER said staff reported that there were less than three (3) County BZA cases over the last decade, so he had a question about the inefficiency of setting up a separate body to hear County cases.

GOOLSBY mentioned that the joint BZA Board's purpose is not for consolidation but collaboration and consensus.

MILLER STEVENS asked if there were specific reasons why the decision was made and if the Planning Commission correspondence addressed those.

ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR said he believed Commissioner Ranzau raised the point as to whether or not City appointees should be weighing in on County cases. He said the County Commission also felt that there were not that many County cases to make a difference. He said he would have to go back and review the minutes.

MILLER STEVENS said she felt the Planning Commission should address those items.

NEUGENT asked if someone has talked to the County Commissioners.

GOOLSBY said he understood some of the Planning Commissioners have had discussion with them.

MILLER STEVENS said she has had discussion, but she is not the Chairman of the Planning Commission. She said she believed there should be some conversation before the Planning Commission starts writing letters. She mentioned that this is conflict resolution 101.

GOOLSBY said a letter is more formal and that was the direction the Planning Commission gave him.

PARNACOTT clarified that there was nothing to resolve because the County Commission has already taken the necessary action needed to dissolve the joint BZA and create a separate County BZA. He said the item brought to the Planning Commission was about changing the UZC to correct the definition of the term "Board of Zoning Appeals" so that it reflected the new reality. He said the Planning Commission, by a vote of 7-5, voted that the definition in the Code be left "as is". He said that has no legal impact and the County is still going to go forward with a separate County BZA. He said he understood the letter was to clarify the Planning Commission's reasons or thoughts on the matter. He said the feeling he is getting from that discussion and today's discussion is that the majority of the Planning Commission feels that the earlier action to separate the BZA should be rescinded by the County Commission. He said you can certainly make that statement in the letter to give the County Commission some guidance as to why the Planning Commission voted the way it did.

GOOLSBY asked Mr. Parnacott if he wanted to draft the letter. He added that there is no conflict resolution; this is a message of why the Planning Commission voted the way it did.

PARNACOTT suggested the Planning Commission take a vote for the Chair to draft a letter consistent with today's comments.

NEUGENT asked for clarification of Chairman Ranzau's comments on the issue.

PARNACOTT said he believed Commissioner Ranzau expressed concern about City appointees making decisions on cases out in the unincorporated areas of Sedgwick County. As an example, he mentioned the recent wedding venue case located out in the County and that a large number of the County appointees were absent from that Planning Commission meeting. He said the minutes of that meeting are available on line.

NEUGENT said as a County appointee who does not live in the unincorporated area of the County, she has way more opportunity to comment on City cases.

MCKAY asked for clarification of the issue.

PARNACOTT briefly summarized the background on the Planning Commission's vote on amending the Zoning Code to match the reality of two separate BZA boards. He said the County Commission has one of three options: 1) accept the Planning Commission's recommendation; 2) Override the Planning Commission's recommendation; or 3) send it back to the Planning Commission for further review.

FOSTER commented that the case used as an example was not a BZA case but a PUD case heard by the Planning Commission. He asked about the City Council's response.

PARNACOTT stated since this was an amendment to the joint Zoning Code, both governing bodies would have to approve it. However, he said there was a provision in the Code that if one governing body approves the change and the other governing body does not, the change will be effective in whatever jurisdiction approved it. He said from a legal prospective, technically they would have two different definitions, one that would apply in the City and one that would apply in the County.

DIRECTOR SCHLEGEL said we will just have to wait and see what the City Council does.

FOSTER said he is comfortable with the motion as made and thinks it is premature to add any thought that might affect this joint body.

MILLER STEVENS (Out @1:57 p.m.)

MOTION: That the Chair draft a letter to the County Commission that was consistent with today's comments.

NEUGENT moved, **B. JOHNSON** seconded the motion, and it carried (9-1). **DAILEY** – No.

DIRECTOR SCHLEGEL reported that staff has received direction from the County Commission to work on an amendment to the UZC that would eliminate the Zoning Areas of Influence (ZAI). He said the Advance Plans Committee will discuss the issue on Thursday, July 9, 2015 at 7:35 a.m. He said the text amendment will be heard at a public hearing by the full Planning Commission on Thursday, July 23, 2015 at 1:30 p.m. He said the reason he was bringing it to the Commissioners attention is that there will probably be some protests from the cities impacted by the change.

RICHARDSON asked for further clarification of the issue. He said he understood that this will eliminate everything except what is actually within each of the City's City limits.

DIRECTOR SCHLEGEL said that is correct. He said currently under the UZC staff must present any cases that are within a City's ZAI to their Planning Commission for a recommendation. He said if the City recommends denial of the request, it takes a unanimous vote by the County Commission to overturn that action.

MCKAY asked if there had been some discussion on changing the vote needed to overturn a City recommendation.

PARNACOTT indicated that Commissioner Howell made some comments that indicated that he wasn't necessarily interested with completely doing away with ZAI, even though he voted for the motion. Commissioner Howell indicated this was a starting point for discussion and to see if there were some other alternatives. But Mr. Parnacott added that the direction he had been given by the County Commission was elimination of the ZAI.

RICHARDSON asked about the history of the ZAI's.

DIRECTOR SCHLEGEL said this goes back to when the County adopted zoning regulations for the unincorporated areas. He said prior to that time a number of City's were exercising extra-territorial zoning approvals as allowed by State Law in the unincorporated areas. He said the ZAI was created as a compromise with the City's that were not interested in giving up their extra-territorial zoning powers. He said he doesn't know of any other county in the State that uses ZAI.

RICHARDSON asked if this was empowered by State Statute.

PARNACOTT responded yes and added that the State Statute allows the County to adopt a zoning code and gives them leeway on how it is crafted. He said the County has other options other than what is specifically listed in the Statute.

DIRECTOR SCHLEGEL added that Sedgwick County's situation is a little unique because of the number of urban cities located within its boundaries. He said Johnson County has fewer, larger cities whereas Sedgwick County has one large City and many smaller cities.

MCKAY mentioned Urban Growth Boundaries.

PARNACOTT said these ideas need to be discussed at an impartial hearing to give cities a chance to respond. He said the County Commission will deal with whatever recommendation the Planning Commission makes.

RICHARDSON asked if this was the 3-mile ring.

DIRECTOR SCHLEGEL commented that the ZAI was negotiated between each city and the County.

PARNACOTT indicated that in 2007 the ZAI boundaries were renegotiated through a very lengthy process consisting of multiple meetings with numerous cities.

The Metropolitan Area Planning Commission adjourned at 2:07 p.m.

State of Kansas)
Sedgwick County) ^{SS}

I, W. David Barber, Interim 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.

W. David Barber, Interim Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

DRAFT

STAFF REPORT

CASE NUMBER: SUB2015-00020 – MARINITA ADDITION

OWNER/APPLICANT: Marinita LLC, 401 North Belmont, Wichita, KS 67208

SURVEYOR/AGENT: K.E. Miller Engineering, 117 East Lewis, Wichita, KS 67202

LOCATION: South of Central, West of 127th Street East (District II)

SITE SIZE: 4.83 acres

NUMBER OF LOTS

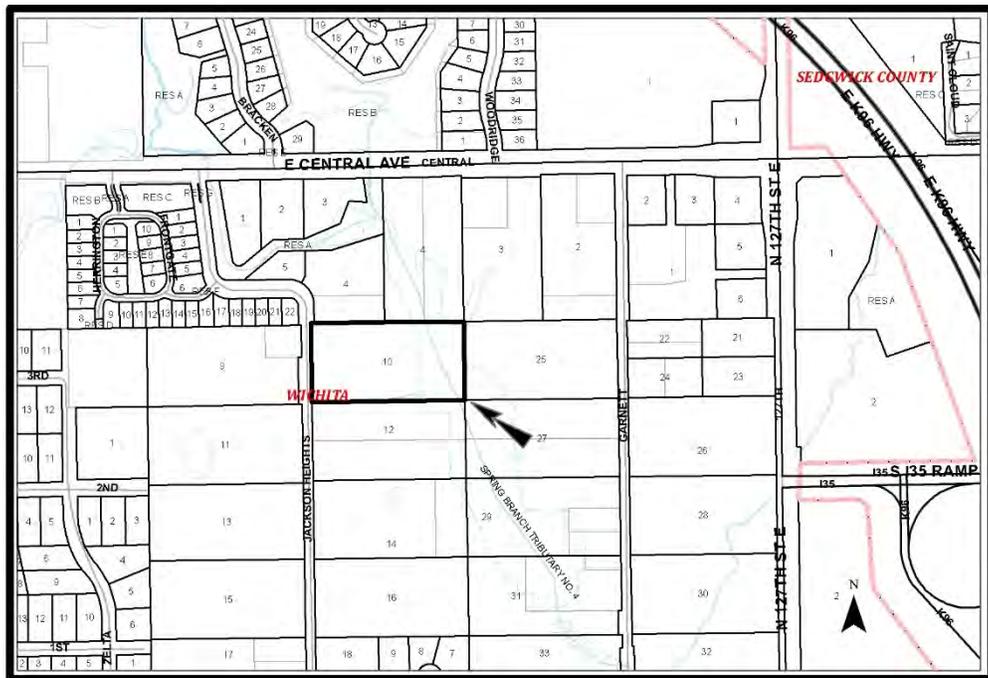
Residential:	8
Office:	
Commercial:	
Industrial:	—
Total:	8

MINIMUM LOT AREA: 9000 square feet

CURRENT ZONING: Single-Family Residential SF-5

PROPOSED ZONING: Same

VICINITY MAP



**SUB2015-00020 -- Plat of MARINITA ADDITION
July 23, 2015 - Page 2**

NOTE: This is a replat of a portion of Gilder's Gardens Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) to serve all lots, extend sewer (lateral) to Lots 5-8 and remove the existing water meter by City of Wichita.
- 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. The platlor's text should accurately reference the drainage and pedestrian easement.
- D. The standard language regarding vacation statutes need to reference "K.S.A. 12-512b, as amended".
- E. City Stormwater Management has approved the drainage plan. A portion of the project site is within the effective floodplain per FEMA Panel No. 20173C0379E. The Base Flood Elevation (BFE) is approximately 1343.50. Minimum building pads shall be at elevation 1345.50. The project will be removed from the FEMA floodplain when new maps become effective in late 2016.
- F. County Surveying advises the legal description needs corrected from "Gilder's Gardens Addition" to "Gilder's Gardens", Sedgwick County, Kansas.
- G. County Surveying advises on the title block "Gilder's Gardens Addition" needs changed to "Gilder's Gardens".
- H. County Surveying advises the 30-foot utility easement along the east line of Lots 4 and 5, Block A needs located east-west.
- I. County Surveying advises the label "PC Lot 5, Gilder's Gardens" is not the PC of said Lot 5.
- J. County Surveying would like to be contacted regarding plat boundary, bearings and distances.
- K. County Surveying advises monuments will need to be set on Jackson Heights Court right-of-way.
- L. The Owner's certificate should reference "Lots, Block, Street and Reserve".
- M. The Applicant shall guarantee the paving of the proposed street, which includes the sidewalk.
- N. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- O. 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.

**SUB2015-00020 -- Plat of MARINITA ADDITION
July 23, 2015 - Page 3**

- P. GIS has approved the plat's street names.
- Q. The dedicated right-of-way which coincides with the west property lines of Lots 1 and 8 should be denoted with a bold line. A bold line is not needed for the current right-of-way. A bold line is also needed for the Jackson Heights Cir right-of-way and the solid vertical line adjoining "58.00" deleted.
- R. "Wichita, Sedgwick County, Kansas" should be referenced in the plat title.
- S. The Applicant has platted a 20-foot building setback along Jackson Heights Ct which represents an adjustment of the Zoning Code standard of 25 feet for the Single-Family District (SF-5). The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- T. 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.
- U. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- V. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- W. 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.)
- X. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Y. 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.
- Z. 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.
- AA. 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.

SUB2015-00020 -- Plat of MARINITA ADDITION
July 23, 2015 - Page 4

- BB. Perimeter closure computations shall be submitted with the final plat tracing.
- CC. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- DD. 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: VAC2015-00026 - Request to vacate the plattor's text to amend the uses allowed in a platted reserve

OWNER/APPLICANT: Frontgate Homeowners Association, c/o Ben Hutton (owner) Baughman Co. PA, c/o Russ Ewy

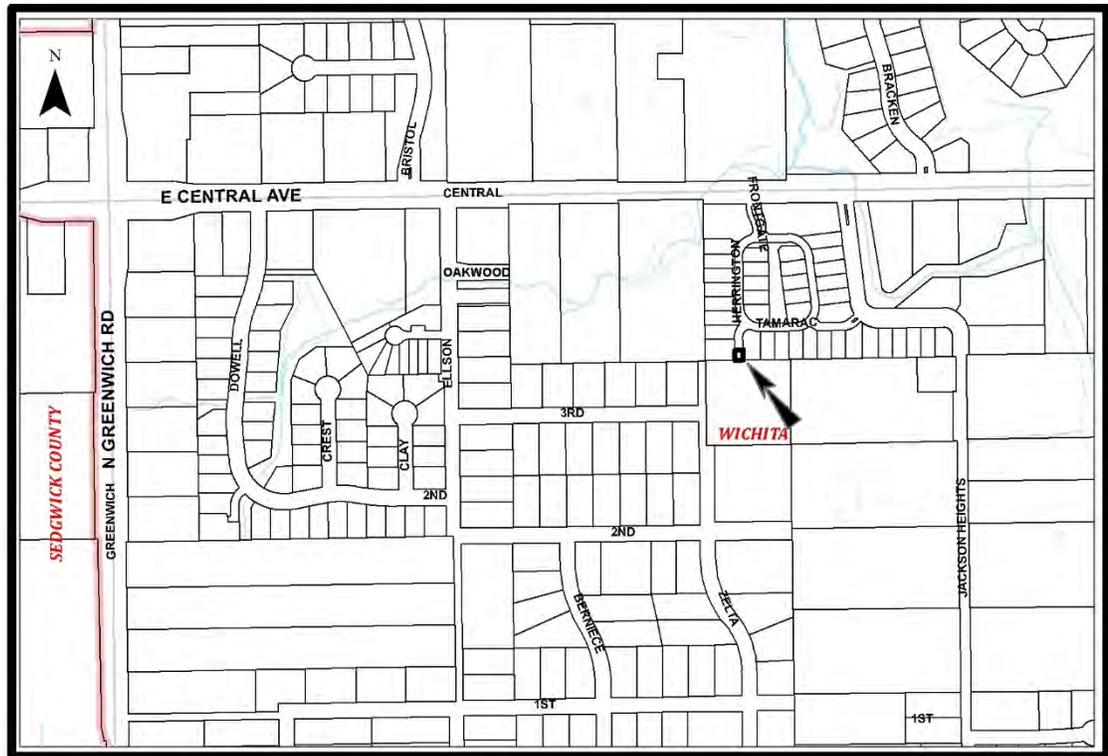
LEGAL DESCRIPTION: Generally described as vacating the plattor's text to amend the uses allowed in platted Reserve D, located between Lots 8 & 9, Block A, and at the south end of Harrington Circle, all in the Frontgate Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located mid-way between Greenwich Road and 127th Street East, south of Central Avenue, at the end of Herrington Circle (WCC #II)

REASON FOR REQUEST: To allow access onto Reserve D from Lots 8 & 9, Block A, Frontgate Addition

CURRENT ZONING: The site and the abutting and adjacent east, west and north properties are zoned GO General Office. The abutting south property is 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 the platted Reserve D, Frontgate Addition. Per the plattor’s text Reserve D is reserved for open space, landscaping, drainage purposes, utilities confined to easements and walls confined to easements. The vacation request will allow private driveways and/or access serving Lots 8 and 9, Block A, Frontgate Addition, while retaining those uses as described in the plattor’s text. The reserve is located between Lots 8 and 9, along their south half, and at the south end of the Harrington Circle public street right-of-way. Stormwater has an inlet and conduit located in a 20-foot wide, east-west platted drainage and utility easement located in the reserve. Per the plattor’s text the reserves are owned and maintained by an owners association; this will not change. The Frontgate Homeowners Association has signed the vacation application. The Frontgate Addition was recorded June 1, 2002.

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 reserve.

- 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 July 2, 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 reserve 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 Reserve D, Frontgate Addition. The uses permitted are; open space, landscaping, drainage purposes, utilities confined to easements, walls confined to easements and private driveways/access serving Lots 8 and 9, Block A, Frontgate Addition, as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (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 Reserve D, Frontgate Addition. The uses permitted are; open space, landscaping, drainage purposes, utilities confined to easements, walls confined to easements and private driveways/access serving Lots 8 and 9, Block A, Frontgate Addition, as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (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: VAC2015-00027 - City request to vacate a portion of a public utility easement dedicated by separate instrument

OWNER/AGENT: Raymond W Grundmeyer III (owner) Baughman Co. PA c/o Phil Meyer (agent)

LEGAL DESCRIPTION: Generally described as vacating approximately 224 feet of the west portion of the public utility easement dedicated by separate instrument (Film 1454, Page 63) located on Lot 5, Block 1, Moorings 5th Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between 42nd and 51st Streets North, west of Meridian Avenue, north of Keywest Street, at the west end of Portwest Circle (WCC #VI)

REASON FOR REQUEST: Garage addition to the existing single-family residence

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

VICINITY MAP:



The applicant propose to vacate approximately 224 feet of the west portion of the public utility easement dedicated by separate instrument (Film 1454, Page 63) located on Lot 5, Block 1, Moorings 5th Addition. There is a sewer line and a manhole in the easement. The sewer line continues east, beyond the vacation area and is covered by the remainder of the subject easement as well as a platted 20-foot utility abutting the north side of the subject easement. The agent for the applicant needs to provide Public Works/Water and Sewer plans to make that sewer line a private service line or relocate it. Westar has equipment in the easement that appears to serve the applicant. The applicant can maintain a portion as easement or can relocate at their own expense. Heide Hancock, is the Subdivision Representative for Construction Services for this area and can be contacted at 261-6554. Kansas Gas Service has a gas main in the portion of the subject easement. The applicant is working with Kansas Gas to resolve this issue. The Moorings 5th Addition was recorded with the Register of Deeds August 7, 1990.

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 public utility easement dedicated by separate instrument.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 2, 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 public utility easement dedicated by separate instrument and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) 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. All to be provided to the Planning prior to this case going to City Council for final action.
- (2) Approval from Westar and Kansas Gas Service is required in regards to relocation of their equipment or retaining a portion of the easement or providing an easement for their equipment. All to be provided to the Planning prior to this case going to City Council for final action.
- (3) If the sewer line and manhole located in the vacated portion of the public utility easement dedicated by separate instrument is approved to become a private sewer line the applicant/property owner will take over ownership and maintenance of the sewer line and manhole. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. To be provided to the Planning prior to this case going to City Council for final action.

- (4) Provide Planning with 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.
- (5) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (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) 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. All to be provided to the Planning prior to this case going to City Council for final action.
- (2) Approval from Westar and Kansas Gas Service is required in regards to relocation of their equipment or retaining a portion of the easement or providing an easement for their equipment. All to be provided to the Planning prior to this case going to City Council for final action.
- (3) If the sewer line and manhole located in the vacated portion of the public utility easement dedicated by separate instrument is approved to become a private sewer line the applicant/property owner will take over ownership and maintenance of the sewer line and manhole. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. To be provided to the Planning prior to this case going to City Council for final action.
- (4) Provide Planning with 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.
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- (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

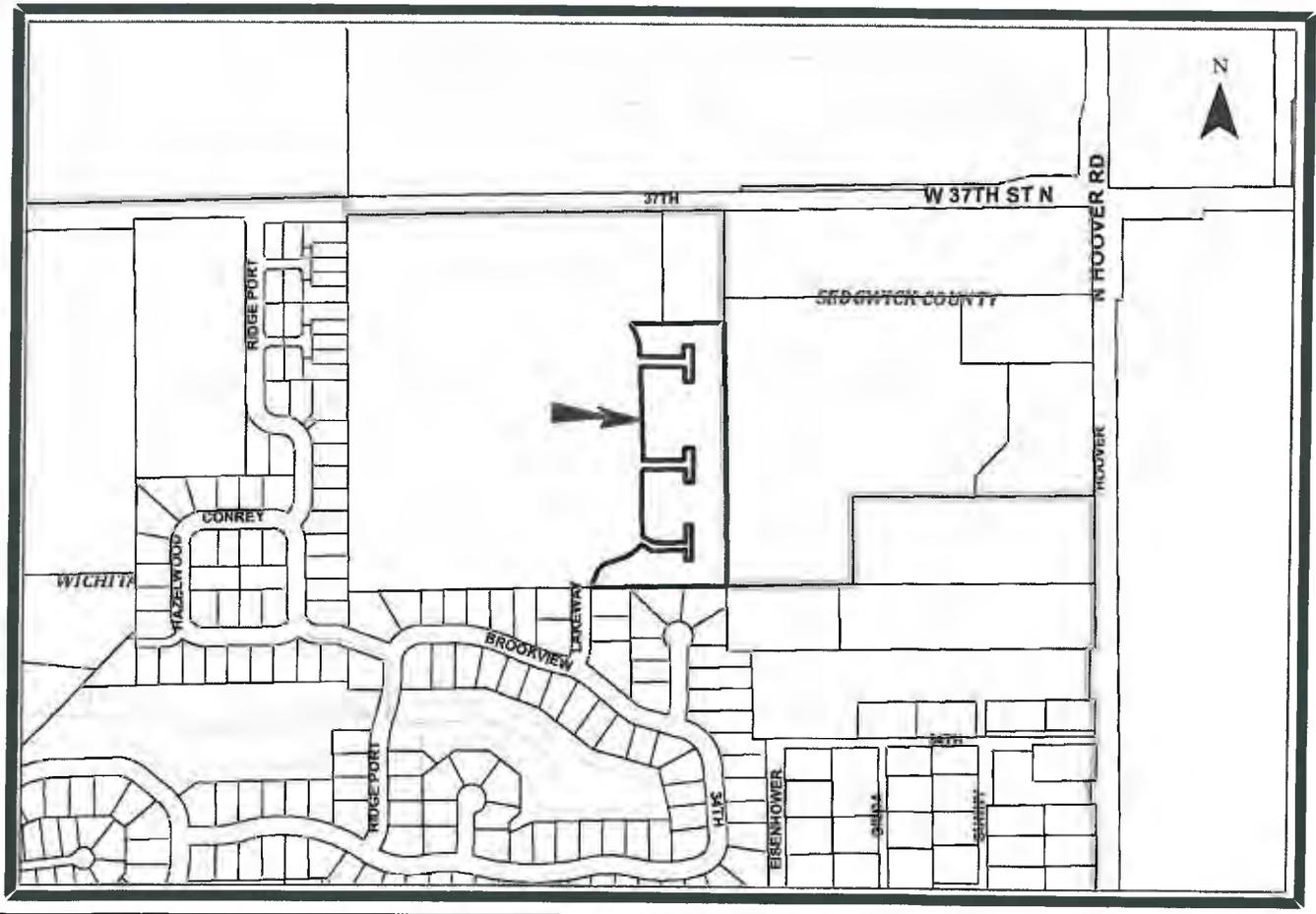
the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



STAFF REPORT

MAPC July 23, 2015
DAB V August 10, 2015

- CASE NUMBER:** ZON2015-00026
- APPLICANT/AGENT:** Siena Lakes LLC (owner) Chris Bohm, Ruggles & Bohm (Agent)
- REQUEST:** TF-3 Two-Family Residential zoning
- CURRENT ZONING:** SF-5 Single-Family Residential zoning
- SITE SIZE:** Approximately 5.81 acres
- LOCATION:** Generally located one-quarter mile west of Hoover on the south side of 37th 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 5.81 acres of Siena Lakes Addition to Wichita, Sedgwick County, Kansas. The applicant proposes to build 26 duplexes on the property.

West of the subject site is the undeveloped SF-5 zoned Siena Lake subdivision. North of the subject site is a 2-acre SF-5 zoned tract developed with a single-family house which was built in 2004. Property east of the subject site is located in the county Single-Family (SF-20) residential. South of the subject site is the Ridge Port Subdivision zoned SF-5, which is developed with single family residences.

CASE HISTORY: The site is located within the City limits of Wichita and consists of 5.81 acres on the south side of 37th Street North one-half mile west of North Hoover Road. Staff has received no calls expressing concerns about the proposed zoning change.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residential, undeveloped (Siena Lakes)
SOUTH: SF-5	Single-family residential, Ridge Port Subdivision
WEST: SF-5	Single-family residential, undeveloped (Siena Lakes)
EAST: SF-5	Single-family (SF-20), unimproved farm land

PUBLIC SERVICES: The site has access to local collector streets that access West 37th Street North, a two-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 development growth” area. The urban development growth area is projected population growth and City limit expansion that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Expansion of municipal services and infrastructure for subdivision development are important to encourage growth bases on Wichita population growth and current market trends. As such, the TF-3 zoning within the Siena Lakes Subdivision conforms to the urban growth area.

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.

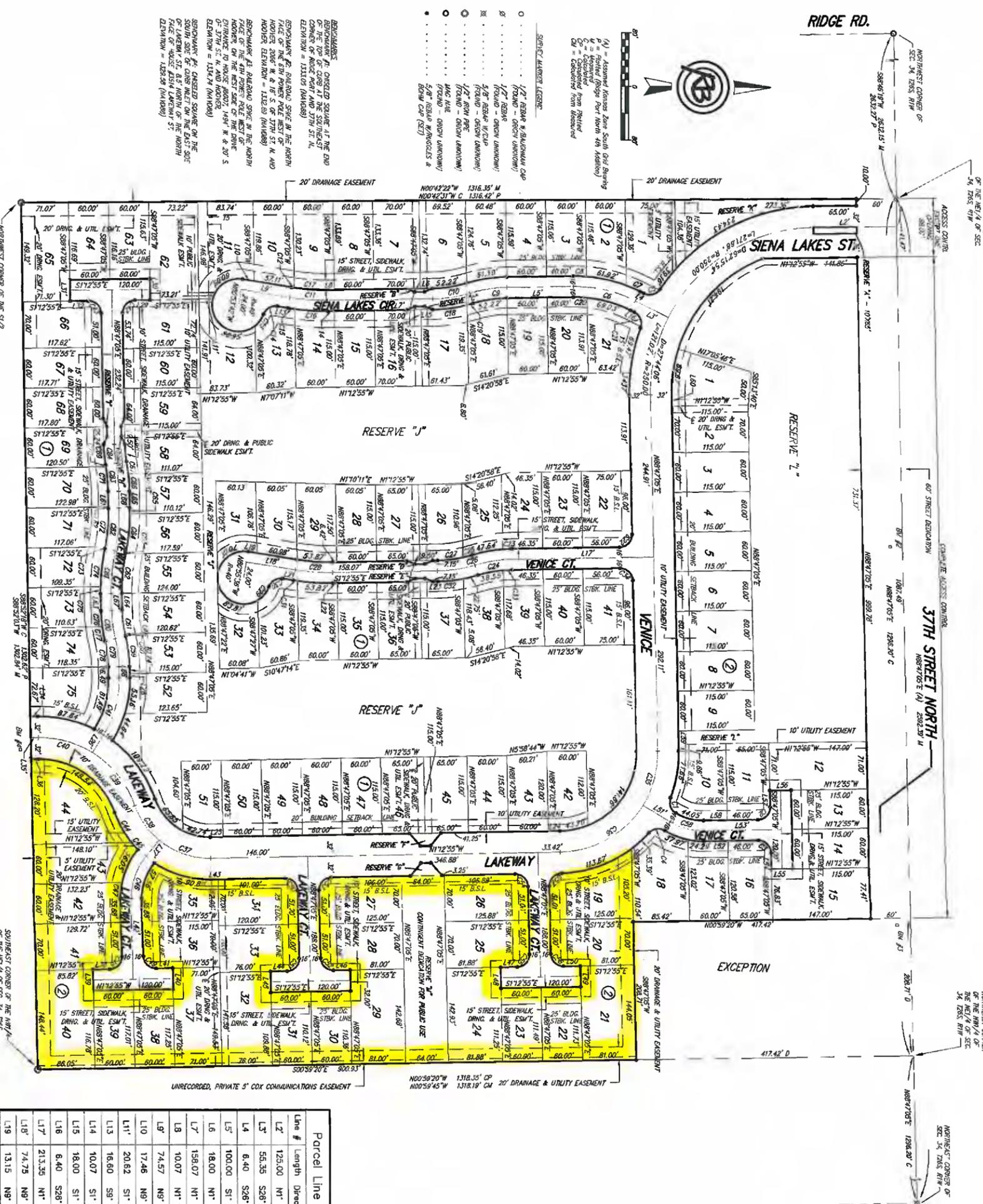
This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The site is located in a predominately SF-5 zoned single-family residential neighborhood. Single-family residences are located to the west and south of the newly platted Siena Lakes subdivision.
- (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 single-family residential, duplex, and some (but not limited to) institutional uses such as a parks, schools and churches.

- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban development growth” area. The urban development growth area is projected population growth and City limit expansion that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Expansion of municipal services and infrastructure for subdivision development are important to encourage growth bases on Wichita population growth and current market trends. As such, the TF-3 zoning within the Siena Lakes Subdivision conforms to the urban growth area.
- (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.

SIENA LAKES

an Addition to Wichita, Sedgwick County, Kansas



SHEET 2 OF 2

Line #	Length	Direction
L1	125.00	N1°12'55.34"W
L2	55.35	S88°31'10.95"W
L3	6.40	S88°31'10.95"W
L4	100.00	S1°12'55.34"E
L5	18.00	N1°12'55.34"E
L6	158.07	N1°12'55.34"E
L7	10.07	N1°12'55.34"E
L8	74.57	N9°06'18.01"E
L9	17.48	N9°06'18.01"E
L10	20.62	S1°12'55.34"E
L11	16.60	S9°06'18.01"E
L12	10.07	S1°12'55.34"E
L13	18.00	S1°12'55.34"E
L14	18.00	S1°12'55.34"E
L15	6.40	S88°31'10.95"W
L16	213.35	N9°04'23.52"E
L17	74.75	N9°04'23.52"E
L18	13.15	N9°04'23.52"E
L19	32.00	N88°47'04.66"E

Line #	Length	Direction
L21	16.16	N9°04'23.52"E
L22	6.42	S1°12'55.34"E
L23	7.15	S1°12'55.34"E
L24	17.29	N1°12'55.34"E
L25	19.00	N1°12'55.34"E
L26	31.30	N58°25'51.47"W
L27	5.76	N88°47'04.66"E
L28	22.79	S1°12'55.34"E
L29	32.00	S88°47'04.66"W
L30	32.00	S88°47'04.66"W
L31	32.00	S88°47'04.66"W
L32	27.21	S1°12'55.34"E
L33	11.33	S1°07'42.07"E
L34	11.33	S1°07'42.07"E
L35	11.33	S1°07'42.07"E
L36	11.33	S1°07'42.07"E
L37	31.14	S50°24'34.82"E
L38	25.00	N1°12'55.34"W
L39	32.00	N88°47'04.66"E

Line #	Length	Direction
L40	32.00	N88°47'04.66"E
L41	25.00	N1°12'55.34"W
L42	121.88	N88°47'04.66"E
L43	10.00	N1°12'55.34"W
L44	25.00	N1°12'55.34"E
L45	32.00	N88°47'04.66"E
L46	25.00	S1°12'55.34"E
L47	25.00	S1°12'55.34"E
L48	25.00	S1°12'55.34"E
L49	32.00	N88°47'04.66"E
L50	25.00	S1°12'55.34"E
L51	47.93	N31°22'45.06"E
L52	35.91	N1°12'55.34"W
L53	116.91	N1°12'55.34"W
L54	25.00	S88°47'04.66"W
L55	32.00	N1°12'55.34"W
L56	32.00	N1°12'55.34"W

Line #	Length	Direction
L57	25.00	S88°47'04.66"W
L58	35.91	N1°12'55.34"W
L59	20.00	N88°47'04.66"E
L60	17.37	N88°47'04.66"E
L61	23.23	S88°47'04.66"W
L62	1.77	S88°47'04.66"W
L63	24.89	S88°47'04.66"W
L64	24.89	S88°47'04.66"W
L65	25.00	S88°47'04.66"W
L66	16.49	N88°47'04.66"E
L67	24.89	S88°47'04.66"E
L68	25.00	S88°47'04.66"W

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	26.52	19.00	79.97	N71°21'55"E	24.42
C2	29.85	19.00	90.00	N46°12'55"W	26.87
C3	29.85	19.00	90.00	S43°47'05"W	26.87
C4	26.52	19.00	79.97	S8°36'29"E	24.42
C5	27.53	19.00	83.32	N1°08'30"W	25.28
C6	96.81	200.00	27.74	S12°39'08"W	95.87
C7	22.81	216.00	6.00	S23°31'17"W	22.60
C8	20.03	216.00	5.31	S1°26'28"W	20.02
C9	56.76	200.00	16.26	S9°20'44"E	56.57
C10	56.76	200.00	16.26	N9°20'44"W	56.57
C11	56.92	216.00	10.32	N3°56'41"E	56.84
C12	3.87	300.00	0.74	N3°56'41"E	3.87
C13	21.96	40.00	31.45	N64°28'29"W	21.88
C14	26.28	19.00	79.25	S30°31'21"E	24.24
C15	9.88	332.00	1.87	N8°16'11"E	9.68
C16	50.12	332.00	8.65	N3°06'34"E	50.07
C17	50.16	216.00	9.58	N3°34'30"E	50.11
C18	52.82	216.00	13.93	N8°18'38"W	52.39
C19	8.78	216.00	2.33	N16°18'38"W	8.78
C20	20.04	184.00	6.24	S1°54'17"W	20.03
C21	27.63	19.00	83.32	S68°10'52"W	25.28
C22	29.85	19.00	90.00	N46°12'55"W	26.87
C23	13.66	216.00	3.62	S3°07'38"E	13.66
C24	56.76	200.00	16.26	S9°20'44"E	56.57
C25	13.59	184.00	4.23	N15°21'37"W	13.59
C26	56.78	200.00	16.26	N9°20'44"W	56.57
C27	38.63	194.00	12.03	N7°13'49"W	38.58
C28	56.74	316.00	10.29	N3°56'44"E	56.87
C29	27.11	40.00	38.83	N50°45'55"W	26.59
C30	26.28	19.00	79.25	S30°31'21"E	24.24
C31	5.80	332.00	1.00	N8°34'22"E	5.80
C32	38.55	216.00	10.23	N8°18'43"W	38.50
C33	13.66	184.00	4.25	S3°20'34"E	13.66
C34	29.85	19.00	90.00	S43°47'05"W	26.87
C35	85.33	150.00	32.59	N74°55'05"W	84.19
C36	150.20	150.00	57.41	N29°55'05"W	144.08
C37	94.04	118.00	40.81	N59°17'38"E	82.27
C38	64.88	118.00	31.41	N59°17'38"E	63.88
C39	103.22	150.00	36.43	S51°16'59"W	101.20
C40	85.60	150.00	32.70	S15°13'13"W	84.44
C41	90.55	158.42	32.78	N74°49'23"W	89.41
C42	29.85	19.00	90.00	S43°47'05"E	26.87

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C43	29.85	19.00	90.00	S43°47'05"W	26.87
C44	52.54	150.00	20.07	N80°57'50"E	52.27
C45	13.66	150.00	5.22	N48°19'19"E	13.65
C46	66.96	96.82	40.81	S70°48'45"E	67.51
C47	24.30	112.82	12.54	S85°02'38"E	24.26
C48	29.85	19.00	90.00	N46°12'55"W	26.87
C49	29.85	19.00	90.00	N43°47'05"E	26.87
C50	29.85	19.00	90.00	S43°47'05"W	26.87
C51	29.85	19.00	90.00	N46°12'55"W	26.87
C52	29.85	19.00	90.00	N43°47'05"E	26.87
C53	29.85	19.00	90.00	S43°47'05"W	26.87
C54	29.85	19.00	90.00	S43°47'05"W	26.87
C55	29.85	19.00	90.00	N46°12'55"W	26.87
C56	29.85	19.00	90.00	N43°47'05"E	26.87
C57	29.70	19.00	89.55	S46°26'28"E	26.76
C58	53.15	93.43	32.59	N15°04'55"E	52.44
C59	43.91	216.00	12.18	S82°41'46"W	43.82
C60	3.78	184.00	1.18	N77°11'45"E	3.78
C61	35.33	184.00	11.00	N83°17'04"E	35.27
C62	60.46	284.00	12.20	S85°07'01"E	60.34
C63	1.02	284.00	0.20	S78°54'58"E	1.02
C64	59.54	316.00	10.80	N84°12'42"W	59.45
C65	8.86	316.00	1.73	S89°35'16"W	8.86
C66	26.06	316.00	4.73	S86°25'19"W	26.06
C67	18.66	316.00	3.38	S82°22'01"W	18.66
C68	26.04	184.00	8.11	N84°43'47"E	26.02
C69	30.57	216.00	8.11	N84°43'47"E	30.55
C70	3.32	284.00	0.67	S81°00'37"W	3.32
C71	36.87	284.00	7.44	S85°03'55"W	36.85
C72	58.53	284.00	11.81	N85°18'39"W	58.43
C73	2.94	284.00	0.59	N79°06'36"W	2.94
C74	57.86	316.00	10.45	S84°02'28"E	57.58
C75	10.74	316.00	1.95	N89°45'29"E	10.74
C76	24.43	216.00	6.48	N85°32'42"E	24.41
C77	21.48	216.00	5.70	N79°27'23"E	21.47
C78	38.11	184.00	12.18	S82°41'46"W	38.03
C79	42.51	200.00	12.18	S82°41'46"W	42.43
C80	42.51	200.00	12.18	S82°41'46"W	42.43
C81	64.93	300.00	12.40	S85°00'53"E	64.81
C82	64.93	300.00	12.40	S85°00'53"E	64.81
C83	42.48	300.00	8.11	S84°43'47"W	42.43
C84	28.31	200.00	8.11	N84°43'47"E	28.28



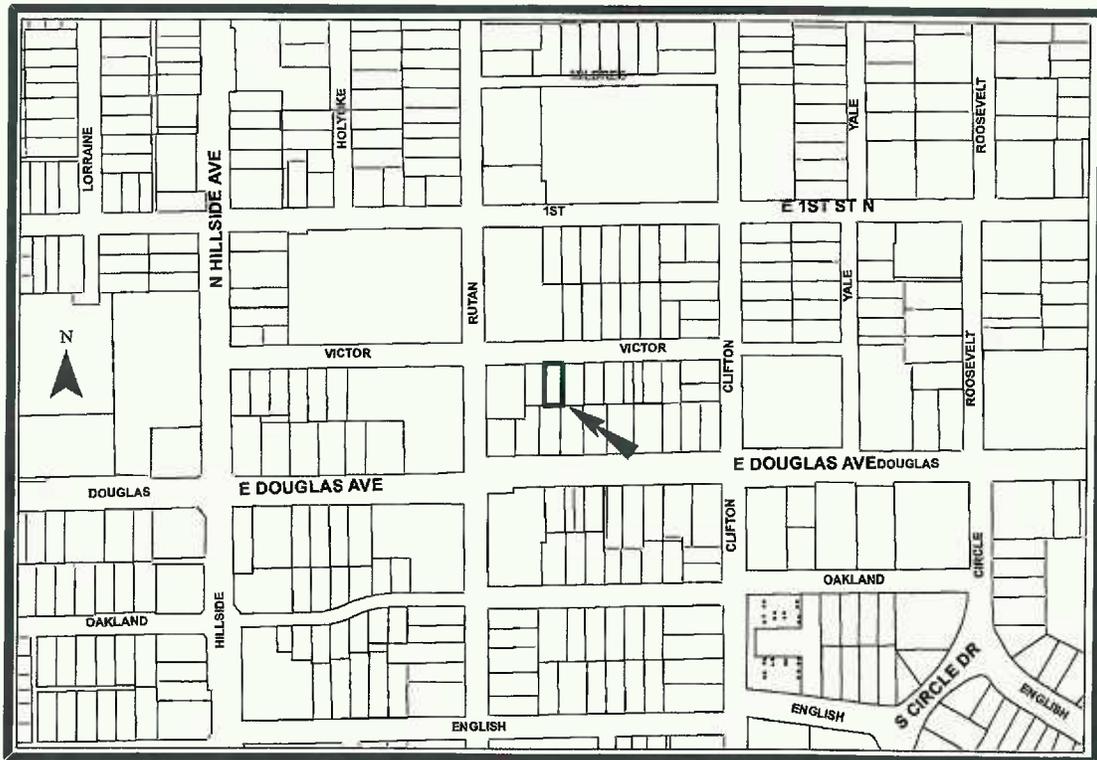
ENGINEERING SURVEYING LANDSCAPE ARCHITECTURE GOVERNMENT
 PROJECT NO. 188
 MAY 27, 2015
 401 N. WASHINGTON ST., SUITE 200
 WICHITA, KANSAS 67202



STAFF REPORT

MAPC July 23, 2015
DAB I August 3, 2015

- CASE NUMBER:** ZON2015-00027
- OWNER/APPLICANT:** Larry Breshears (owner) Logan Pajunen (applicant)
- REQUEST:** GO General Office
- CURRENT ZONING:** PUD Planned Unit Development
- SITE SIZE:** Approximately 0.11-acres
- LOCATION:** Generally located east of Hillside Avenue, north of Douglas Avenue, east of Rutan Avenue on the south side of Victor Place (WCC #I)
- PROPOSED USE:** Rezone to match applicant's south abutting property



BACKGROUND: The applicant is requesting a zone change from PUD Planned Unit Development to GO General Office on the platted 46 foot (x) 106.75 foot (0.11-acres) subject site located east of Rutan Avenue on the south side of Victor Place. The subject site is located on Parcel 3 of the 6.1-acre Parkstone Planned Unit Development, PUD-26, and is currently the eastern portion of a parking lot. A zone change from PUD-26 to GO would remove the subject site from PUD-26 and its development standards. A zone change would also impact the current parking layout of Parcel 3.

The applicant owns the abutting south GO zoned property, located along Douglas Avenue and if the zoning is approved will purchase the subject site. The applicant's abutting property is developed with a parking lot and a brick three-story (per the appraiser's link) single-family residence, built in 1910. There is a retention wall separating the subject site from the applicant's south, abutting property. Because of the retention wall there is no access from the applicant's property to the subject site. Access to the subject site is from Victor Avenue. The applicant had mentioned using the site for parking as well as possibly building a garage on the site. If a garage was built on the site it would be an accessory structure to the applicant's south abutting residence and could not be sold separately from the applicant's south abutting residence. If a garage was built it could not be rented out to another entity as storage, unless a Conditional Use is approved; Unified Zoning Code (UZC), Sec.III-B.12.c.3 & Sec. III-D.6.y.

PUD-26 consists of four parcels for a mixed use urban village development that is to include commercial, office and a range of housing types of brownstones (three-story row housing), a high rise apartment tower and apartment flats on second stories above commercial uses at the street level, with surface parking. Current development consists of two, three story, stone and wood frame row housing and a paved parking lot, which the subject site is part of; the predominate character of PUD-26 is undeveloped land. PUD-26 restricted the use of Parcel 3 to parking, the proposed GO zoning would allow commercial parking subject to Sec.III-D.6.cc., of the UZC; the overnight parking of Commercial Vehicles exceeding 26,000 pounds gross vehicle weight rating shall not be permitted. Vehicle storage is not a permitted use in the GO zoning district. At the time of the writing of this report the applicant had a semi-truck trailer parked or stored on his GO zoned property. The proposed GO zoning would also allow additional residential, public and civic uses and commercial uses (not including retail) by right on the subject site not permitted on Parcel 3 of PUD-26; Sec.III-B.12. An approved amendment to PUD-26 could have allowed similar uses plus retail on the subject site.

The area is part of the western edge of the College Hill neighborhood; Central Avenue – Kellogg Avenue – Oliver Avenue – Hillside Avenue. The mostly undeveloped PUD-26 zoned properties are the dominant feature of the immediate area and are out of character with the vital College Hill neighborhood. Properties located east of the site are zone MF-29 and are developed with wood frame, one-two story mostly single-family residences with a few of them converted into duplex and small apartments (most built 1910-1920). Properties located north of the site, across Victor Avenue, are zoned TF-3 Two-Family Residential and PUD-26. These properties are developed as one-two story, wood frame single-family residences (most built 1910-1920) and most recently, two, three story, stone and wood frame apartments (built 2009). There is also undeveloped PUD-26 zoned land. Properties located west of the site are developed as PUD-26, Parcel 3 parking lot

(the subject site is east portion the parking lot) that ends at Rutan Avenue. West of the parking lot, across Rutan Avenue, there is PUD-26 zoned undeveloped land and the vacant brick two-story PUD-26 leasing/information building (built 1960) and B Multi-Family Residential zoned undeveloped land and a maybe vacant one story residential building. Properties located south of the site (including the applicant's property) are zoned GO and are developed as two-three story, brick, stucco or wood frame apartments, offices, a duplex or single-family residences (built 1910-1920). These properties all have Douglas Avenue frontage.

Douglas Avenue in this vicinity was known as the "Uptown" area historically and still maintains a strong mix of LC Limited Commercial retail/commercial uses including the Uptown Theater, furniture stores, offices, various retail businesses, and restaurants. The Dockum Drug Store building (1927) is significant due to the presence of the Carthalite detailing on the façade. The Hillcrest is a premiere apartment tower owned by its residents as a co-op. It is ten stories in height and located one block southwest of the subject site. The Hillcrest (built 1927) has long served as the landmark and focal point for the Uptown retail area and edge of College Hill neighborhood.

CASE HISTORY: The site is described as that part of College Park beginning 150 feet east of the northwest corner; thence east 46 feet; thence south 106 ¾ feet; thence west 46 feet; thence north to the point of beginning, College Hill Addition. The College Hill Addition was recorded with the Register of Deeds on September 30, 1884.

Zoning case PUD2008-00004 changed the zoning on the subject site (0.11-acres) and the abutting west property (0.13-acres) from MF-29 and B zoning to PUD-26. PUD2008-00004 was the first amendment to PUD-26. The zone change increased PUD-26's Parcel 3 by 0.24-acres and used the subject site and the abutting west property to increase the parking for PUD-26.

PUD-26 was earlier established by zoning case PUD2007-00003. PUD-26, as established by PUD2007-00003, is part of the Douglas & Hillside Redevelopment District (TIF). The subject site is not part of the Douglas & Hillside Redevelopment District (TIF).

ADJACENT ZONING AND LAND USE:

NORTH: TF-3, PUD	Single-family residences, apartments, undeveloped land
SOUTH: GO	Apartments, offices, a duplex, single-family residences
EAST: MF-29	Single-family residences, triplex, quadplex
WEST: PUD, B	Parking lot, undeveloped land, two vacant buildings

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access to Victor Avenue, a local street which intersects with Rutan Avenue, a local street, and a block west to Hillside Avenue. Victor does not go east beyond the site, ending at the subject site by recent design, construction and barriers.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide Map" categorizes this site as "'local commercial". The purpose of the GO zoning district is to accommodate office development and other complementary land uses. The GO zoning district is

generally compatible with the "local commercial" or "regional commercial" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application 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 requested GO zoning is the appropriate zoning for this site. The current PUD-26 zoning of the site is appropriate.

RECOMMENDATION: If approved the GO zoning request would remove the subject site from PUD-26. Removing the subject site would disrupt the existing parking lot layout of PUD-26's Parcel 3, by reducing parking by the nine parking spaces located on the subject site. Removing the subject site could also reduce the available parking located on the abutting west parking, due to a possible lack of space needed to use the existing west abutting four parking spaces. The lack of development progress on the 6.1-acre PUD-26 since its approval in 2007, may be a reflection of the lack of a market for this type of mixed use development and a still slow economic recovery for Wichita from the previous decade's economic slowdown. Whatever the reasons, the largely undeveloped site is out of character with the vital College Hill neighborhood. The existing parking available to PUD-26 is more than enough for the existing development for the two, three story stone and simulated wood row houses located on approximately 0.66-acres. The rezoning would allow the applicant to expand his property, although access would currently be off of Victor Avenue, rather than Douglas Avenue, where the applicant's residence has access.

Based upon the information available prior to the public hearings, planning staff recommends that the request for GO zoning be **APPROVED**, subject to the following provisions of a protective overlay:

- (1) Permitted uses are single-family residential, duplex, multi-family residential, general office, and commercial parking subject to Sec.III-D.6.cc.of the UZC.
- (2) The applicant shall provide direct access onto the subject site from the applicant's south abutting property, within a year of approval by the appropriate governing body.
- (3) The applicant shall construct a 6-8 foot solid wooden fence along the east property line of the subject site where it abuts residential properties within 90 days of approval by the appropriate governing body.

This recommendation is based on the following findings:

(1)The zoning, uses and character of the neighborhood: The area is part of the western edge of the College Hill neighborhood; Central Avenue – Kellogg Avenue – Oliver Avenue – Hillside Avenue. The mostly undeveloped PUD-26 zoned properties are the dominant feature of the immediate area and are out of character with the vital College Hill neighborhood. Properties located east of the site are zone MF-29 and are developed with wood frame, one-two story mostly single-family residences with a few of them converted into duplex and small apartments (most built 1910-1920). Properties located north of the site, across Victor Avenue, are zoned TF-3 Two-Family Residential and PUD-26. These properties are developed as one-two story, wood frame single-family residences (most built 1910-1920) and most recently, two, three story, stone and wood

frame apartments (built 2009). There is also undeveloped PUD-26 zoned land. Properties located west of the site are developed as PUD-26, Parcel 3 parking lot (the subject site is east portion the parking lot) that ends at Rutan Avenue. West of the parking lot, across Rutan Avenue, there is PUD-26 zoned undeveloped land and the vacant brick two-story PUD-26 leasing/information building (built 1960) and B Multi-Family Residential zoned undeveloped land and a maybe vacant one story residential building. Properties located south of the site (including the applicant's property) are zoned GO and are developed as two-three story, brick, stucco or wood frame apartments, offices, a duplex or single-family residences (built 1910-1920). These properties all have Douglas Avenue frontage.

(2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned PUD, subject to PUD-26. PUD-26 is intended to be a mixed use urban village development including commercial, office and a range of housing types of brownstones (three-story row housing), a high rise apartment tower and apartment flats on second stories above commercial uses at the street level. Surrounding property is zoned similarly as the subject site. As currently zoned, the site could likely be put to economic use.

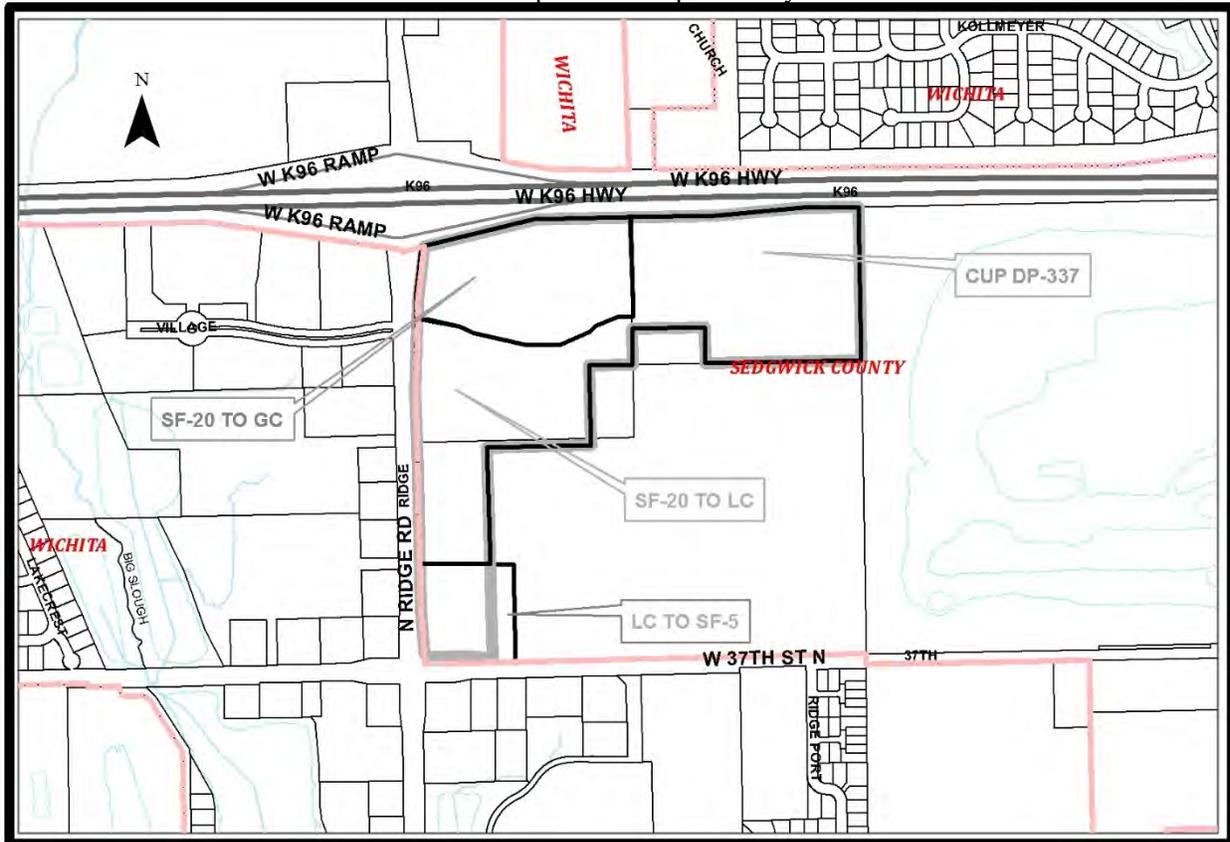
(3) Extent to which removal of the restrictions will detrimentally affect nearby property: If approved the GO zoning request would remove the subject site from PUD-26. Removing the subject site would disrupt the existing parking lot layout of PUD-26's Parcel 3, by reducing parking by the nine parking spaces located on the subject site. Removing the subject site could also reduce the available parking located on the abutting west parking, due to a possible lack of space needed to use the existing west abutting four parking spaces. The lack of development progress on the 6.1-acre PUD-26 since its approval in 2007, may be a reflection of the lack of a market for this type of mixed use development and a still slow economic recovery for Wichita from the previous decade's economic slowdown. Whatever the reasons, the largely undeveloped PUD-26 site is out of character with the vital College Hill neighborhood. The provisions of the proposed protective overlay are intended to minimize any negative impacts on the neighborhood.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide Map" categorizes this site as a "local commercial". The purpose of the GO zoning district is to accommodate office development and other complementary land uses. The GO zoning district is generally compatible with the "local commercial" or "regional commercial" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application 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 requested GO zoning is the appropriate zoning for this site. The current PUD-26 zoning of the site is appropriate.

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

STAFF REPORT
 MAPC 7-23-2015
 DAB V 8-10-2015

CASE NUMBER: ZON2015-00029 and CUP2015-00015
APPLICANT/AGENT: Tier 1, LLC (Marv Schellenberg) / MKEC Engineering, Inc. (Brian Lindebak)
REQUEST: LC Limited Commercial, GC General Commercial and SF-5 Single-Family Residential
CURRENT ZONING: SF-20 Single-Family Residential and LC Limited Commercial
SITE SIZE: Approximately 69.11 acres
LOCATION: North of West 37th Street North and east of North Ridge Road
PROPOSED USE: Uses permitted in the LC Limited Commercial and GC General zoning districts except for uses specifically listed below



BACKGROUND: The applicant is requesting Limited Commercial (LC), General Commercial (GC) and SF-5 Single-Family Residential (SF-5) zoning subject to the development standards contained in the proposed Valencia Commercial Community Unit Plan (CUP) DP-337. The subject site is currently zoned LC and SF-20 Single-Family Residential (SF-20), and is located in Sedgwick County. A request for annexation by the City of Wichita has been submitted and is expected to be completed prior to consideration by the governing body. The application area is 69.11 acres shaped like an upside-down “L” that abuts the east side of North Ridge Road north of West 37th Street North, and the land abutting the south side of Highway K-96, one-half mile east of North Ridge Road. It is proposed that all uses in the LC and GC district be permitted except for a list of specifically excepted uses, such as: manufactured home, correctional placement residence, night club, animal kennel, sexually oriented business, rock crushing and vehicle and equipment sales outdoor. The complete list of excepted uses can be found in the proposed CUP, General Provision 3.

A total of 13 CUP parcels are proposed. Parcels 1-10 abut the eastern side of North Ridge Road, south of the proposed eastward extension of West Village Circle. Parcels 12 and 13 abut the south side of Highway K-96, north of the proposed extension of West Village Circle. Parcel 14 is surrounded by Parcels 12 and 13 and contain an existing “wireless communications facility.” Parcel 11 is located east of Parcels 8, 9 and 10 and south of Parcel 12, and does not have frontage along North Ridge Road or Highway K-96. Parcel 11 has frontage on the proposed extension of West Village Circle and proposed Summitlawn Avenue. Reserve C is located east Parcels 1-7 and 11, and is also located south of Parcels 11 and 12. All of Reserve C is proposed to be zoned SF-5, including the southern 540 feet of Reserve C is currently zoned LC. Located to the east of the southern portion of Reserve C is a 132-foot by 540-foot rectangle that is currently zoned LC but is proposed to be down-zoned to SF-5, and is not to be included in the final boundary of the proposed CUP. Reserves A and B are islands located within the proposed eastward extension of West Village Circle. Proposed uses for all reserves, Parcels 1-11 and Parcel 13 are LC uses except for those uses specifically excepted by the CUP, as described in General Provision 3A. Proposed uses for Parcels 12 and 14 are GC uses except for those uses specifically excepted by the CUP, as described in General Provision 3B.

The proposed CUP also requires:

- 1) Architectural consistency between parcels.
- 2) Landscaping per City ordinance.
- 3) Lighting per City code with all parcels sharing similar or consistent parking lot lighting elements. Maximum height of light poles is 27 feet except when located within 100 feet of residential zoning, which shall be 15 feet.
- 4) Rooftop mechanical equipment, trash receptacles, outdoor work areas and loading docks are to be screened from ground level view.
- 5) Setbacks of 15 feet are shown along North Ridge Road for Parcels 1-7. The setback for Parcel 7’s North Ridge Road should be 35 feet to allow for adequate line of sight for traffic exiting Palmetto Street.
- 6) Parking is to be per code.
- 7) Signs are to be per code, except as specified differently by the CUP. Initially the applicant proposed (General Provision 12B) to permit flashing, moving, portable, banner or pennant signage along Highway K-96 and at the northeast corner of North Ridge Road and West 37th Street North. However, after discussion with staff the request has been withdrawn. Small tenant monument signs are limited to 150 square and a maximum height of 14 feet. Three large development signs are proposed along Ridge Road and two along K-96. Large development signs have a maximum height of 35 feet and a maximum sign area of 300 square feet. Three off-site signs are proposed, two along K-96 and one at the intersection of North Ridge Road and West 37th Street.

- 8) Access controls shall be determined at the time of platting. Cross-lot circulation agreements are required at the time of platting to assure internal traffic between parcels.

As noted above, the site is located at the southeast corner of Highway K-96, a divided four-lane freeway, and North Ridge Road, a four-lane arterial. Land located to the north of the subject property, across Highway K-96 is zoned SF-20 or SF-5 and is farmland or single-family residential. Land located to the east and south of the application area is zoned SF-20. A large-lot single-family residence nearly surrounded by a berm and a private lake is located to the east. South of Parcel 13 is a SF-20 zoned 2.012-acre tract that contains a single-family residence, addressed as 4104 North Ridge Road that is not included in the subject application and is not included in the proposed plat noted below in the case history section. Currently a private drive provides access from North Ridge Road to the residence and to the wireless communication facility. If the subject application is approved, access to the residence would switch from a private drive to West Village Circle. Other land located south and east of the application area is currently undeveloped and is currently zoned SF-20; however, it is owned by the current applicant and is proposed to be annexed. Upon annexation the adjoining property will become zoned SF-5. Land located to the south of West 37th Street is zoned LC and GO General Office (GO) subject to CUP DP-239, and developed with a convenience store, strip office center, church and assisted living. Land to the west is zoned LC subject to three different CUP's, and is vacant or is developed with a bank or medical offices.

CASE HISTORY: A preliminary plat, The Valencia Addition (SUB2015-00022), has been submitted for consideration by the Subdivision Committee on July 16, 2015. The proposed preliminary plat includes the property that is the subject of this application in addition to the remainder of the quarter-section except for the 2.012-acre SF-20 zoned residence noted above. With exception of the 2.012-acre tract, a request for annexation of the entire quarter-section has been requested.

ADJACENT ZONING AND LAND USE:

North: SF-20 and SF-5; farmland or single-family residential
South: SF-20, LC and GO; single-family residence, vacant, convenience store, strip office center, church and assisted living
East: SF-20; single-family residence, vacant
West: LC; vacant, bank, medical offices

PUBLIC SERVICES: Usual municipal services are either available or can be extended to serve the site. At the time the property is platted specific utility and transportation needs will be identified, and guarantees for the provision of needed services can be guaranteed. The CUP drawing depicts 75-feet of half-street right-of-way at the northeast corner of the intersection of North Ridge Road and West 37th Street North. Sixty feet of half-street right-of-way is shown farther east on West 37th Street North. Sixty feet of half-street right-of-way is shown on the east side of North Ridge Road widening to 85 feet at the intersection with K-96.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "regional commercial" uses. The regional commercial category encompasses major destination area containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to the following development standards:

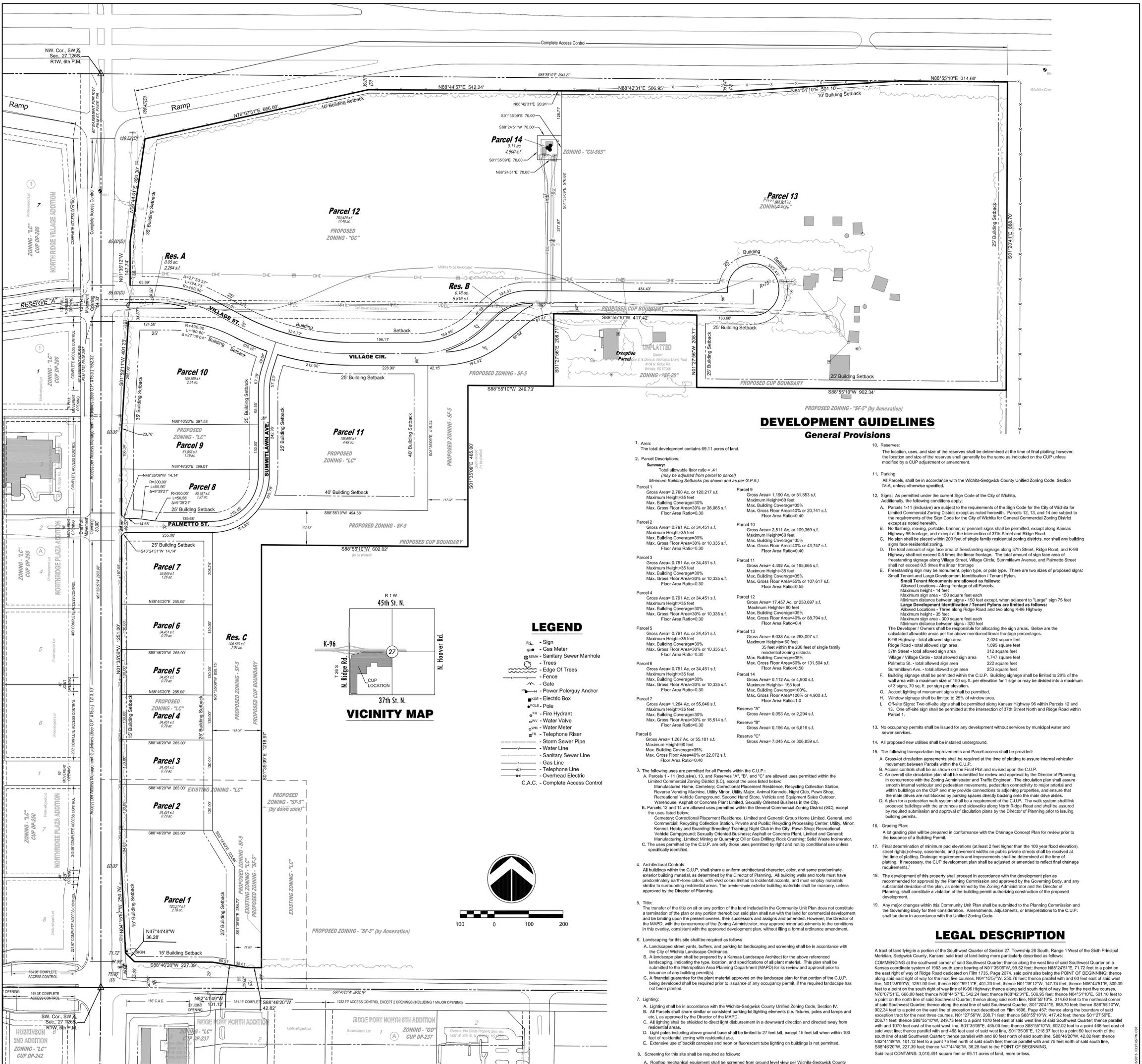
- 1) Approve the zone change and the Community Unit Plan DP-337 subject to the development standards contained therein, subject to platting within one year.
- 2) At the time of platting the applicant shall guarantee the installation of all required improvements, including but not limited to, stormwater, sanitary sewer, water, access controls and traffic circulation.
- 3) If the plat requires modification of CUP DP-337, CUP DP-337 shall be considered to be adjusted without further review so long as four copies of the revised CUP that are consistent with the approved plat are submitted to planning staff.
- 4) Proof shall be provided to planning staff that notice of the development standards contained in CUP DP-37 has been filed on the application area with the register of deeds.
- 5) The applicant shall submit four copies of the approved CUP to planning staff within 60 days after approval by the governing body, or the request shall be considered null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located at the southeast corner of Highway K-96, a divided four-lane freeway, and North Ridge Road, a four-lane arterial. Land located to the north of the subject property, across Highway K-96 is zoned SF-20 or SF-5 and is farmland or single-family residential. Land located to the east and south of the application area is zoned SF-20. A large-lot single-family residence nearly surrounded by a berm and a private lake is located to the east. South of Parcel 13 is a SF-20 zoned 2.012-acre tract that contains a single-family residence, addressed as 4104 North Ridge Road that is not included in the subject application and is not included in the proposed plat noted below in the case history section. Currently a private drive provides access from North Ridge Road to the residence and to the wireless communication facility. If the subject application is approved, access to the residence would switch from a private drive to West Village Circle. Other land located south and east of the application area is currently undeveloped and is currently zoned SF-20; however, it is owned by the current applicant and is proposed to be annexed. Upon annexation the adjoining property will become zoned SF-5. Land located to the south of West 37th Street is zoned LC and GO General Office (GO) subject to CUP DP-239, and developed with a convenience store, strip office center, church and assisted living. Land to the west is zoned LC subject to three different CUP's, and is vacant or is developed with a bank or medical offices.
2. The suitability of the subject property for the uses to which it has been restricted: The majority of the property is currently zoned SF-20 that primarily permits single-family residential and a few civic and institutional uses, such as, church, school or park, by right. A small portion (approximately 5 acres) located in the southwestern corner of the application area is zoned LC, which permits a wide range of residential, office and commercial uses, by right. Given the site's location at the intersection of a Highway K-96 and North Ridge Road the property's SF-20 zoning is not suitable. Other property similarly situated is zoned LC.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The development standards associated with the CUP and the zoning code will minimize detrimental impacts of the proposed zone change. Code requirements include solid screening, landscape buffers, maximum building heights below base zoning standards and maximum gross floor area limitations. Platting will address street access, stormwater and the extension of utilities.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will add to the community's inventory of commercially zoned land and provide additional shopping and personal service

offerings for the larger neighborhood. Denial would presumably represent a loss of economic opportunity to the applicant.

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 “regional commercial” uses. The regional commercial category encompasses major destination area containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic.
6. Impact of the proposed development on community facilities: The development standards contained in the CUP and those required by platting will ensure that required community facilities are in place or are installed.



DEVELOPMENT GUIDELINES

General Provisions

- Area: The total development contains 69.11 acres of land.
 - Parcel Descriptions:
 - Summary: Total allowable floor ratio = .41 (may be adjusted from parcel to parcel)
 - Minimum Building Setbacks (as shown and as per G.P.9.)
 - Parcel 1: Gross Area= 2,760 Ac. or 120,217 s.f. Maximum Height=35 feet Max. Building Coverage=35% Max. Gross Floor Area=30% or 36,065 s.f. Floor Area Ratio=0.30
 - Parcel 2: Gross Area= 0.791 Ac. or 34,451 s.f. Maximum Height=35 feet Max. Building Coverage=30% Max. Gross Floor Area=30% or 10,335 s.f. Floor Area Ratio=0.30
 - Parcel 3: Gross Area= 0.791 Ac. or 34,451 s.f. Maximum Height=35 feet Max. Building Coverage=30% Max. Gross Floor Area=30% or 10,335 s.f. Floor Area Ratio=0.30
 - Parcel 4: Gross Area= 0.791 Ac. or 34,451 s.f. Maximum Height=35 feet Max. Building Coverage=30% Max. Gross Floor Area=30% or 10,335 s.f. Floor Area Ratio=0.30
 - Parcel 5: Gross Area= 0.791 Ac. or 34,451 s.f. Maximum Height=35 feet Max. Building Coverage=30% Max. Gross Floor Area=30% or 10,335 s.f. Floor Area Ratio=0.30
 - Parcel 6: Gross Area= 0.791 Ac. or 34,451 s.f. Maximum Height=35 feet Max. Building Coverage=30% Max. Gross Floor Area=30% or 10,335 s.f. Floor Area Ratio=0.30
 - Parcel 7: Gross Area= 1.264 Ac. or 55,046 s.f. Maximum Height=35 feet Max. Building Coverage=30% Max. Gross Floor Area=30% or 16,514 s.f. Floor Area Ratio=0.40
 - Parcel 8: Gross Area= 1.267 Ac. or 55,181 s.f. Maximum Height=60 feet Max. Building Coverage=35% Max. Gross Floor Area=40% or 22,072 s.f. Floor Area Ratio=0.40
 - Parcel 9: Gross Area= 2,760 Ac. or 120,217 s.f. Maximum Height=60 feet Max. Building Coverage=35% Max. Gross Floor Area=40% or 20,741 s.f. Floor Area Ratio=0.40
 - Parcel 10: Gross Area= 4,492 Ac. or 195,665 s.f. Maximum Height=60 feet Max. Building Coverage=35% Max. Gross Floor Area=40% or 43,747 s.f. Floor Area Ratio=0.40
 - Parcel 11: Gross Area= 4,492 Ac. or 195,665 s.f. Maximum Height=35 feet Max. Building Coverage=35% Max. Gross Floor Area=50% or 107,617 s.f. Floor Area Ratio=0.55
 - Parcel 12: Gross Area= 17,457 Ac. or 253,697 s.f. Maximum Height=60 feet Max. Building Coverage=35% Max. Gross Floor Area=40% or 88,794 s.f. Floor Area Ratio=0.4
 - Parcel 13: Gross Area= 6,038 Ac. or 263,007 s.f. Maximum Height=60 feet Max. Building Coverage=35% Max. Gross Floor Area=40% or 131,504 s.f. Floor Area Ratio=0.50
 - Parcel 14: Gross Area= 0.112 Ac. or 4,900 s.f. Maximum Height=35 feet Max. Building Coverage=100% Max. Gross Floor Area=100% or 4,900 s.f. Floor Area Ratio=1.0
- Reserve "A" Gross Area= 0.053 Ac. or 2,294 s.f.
 Reserve "B" Gross Area= 0.16 Ac. or 6,816 s.f.
 Reserve "C" Gross Area= 1.264 Ac. or 55,046 s.f. or 2,294 s.f.
 Reserve "D" Gross Area= 0.156 Ac. or 6,816 s.f.
 Reserve "E" Gross Area= 7.045 Ac. or 306,859 s.f.
- Reserves: The location, uses, and size of the reserves shall be determined at the time of final platting; however, the location and size of the reserves shall generally be the same as indicated on the CUP unless modified by a CUP adjustment or amendment.
 - Parking: All Parcels shall be in accordance with the Wichita-Sedgewick County Unified Zoning Code, Section IV-A, unless otherwise specified.
 - Signs: As permitted under the current Sign Code of the City of Wichita, the following conditions apply:
 - Parcels 1-11 (inclusive) are subject to the requirements of the Sign Code of the City of Wichita for Limited Commercial Zoning District except as noted hereafter. Parcels 12, 13, and 14 are subject to the requirements of the Sign Code of the City of Wichita for General Commercial Zoning District except as noted hereafter.
 - No flashing, moving, portable, banner, or pennant signs shall be permitted, except along Kansas Highway 96 frontage, and except at the intersection of 37th Street and Ridge Road.
 - No sign shall be placed within 200 feet of single family residential zoning districts, nor shall any building signs face residential zoning.
 - The total amount of sign face area of freestanding signage along 37th Street, Ridge Road, and K-96 Highway shall not exceed 0.8 times the linear footage. The total amount of sign face area of freestanding signage along Village Street, Village Circle, Summitlawn Avenue, and Palmetto Street shall not exceed 0.5 times the linear footage.
 - Freestanding sign may be monument, pylon type, or pole type. There are two sizes of proposed signs: Small Tenant and Large Development Identification (Tenant Pylon). Small Tenant Monuments are allowed as follows: Allowed Locations - Along frontage of all Parcels. Maximum height - 14 feet. Maximum sign area - 150 square feet each. Minimum distance between signs - 150 feet except, when adjacent to "Large" sign 75 feet. Large Development Identification (Tenant Pylon) are limited as follows: Allowed Locations - Three along Ridge Road and two along K-96 Highway. Maximum height - 35 feet. Maximum sign area - 300 square feet each. Minimum distance between signs - 320 feet. The Developer / Owners shall be responsible for allocating the sign areas. Below are the calculated allowable areas per the above mentioned linear footage percentages. K-96 Highway - total allowed sign area 2,024 square feet. Ridge Road - total allowed sign area 1,895 square feet. 37th Street - total allowed sign area 312 square feet. Village / Village Circle - total allowed sign area 1,747 square feet. Palmetto St. - total allowed sign area 222 square feet. Summitlawn Ave. - total allowed sign area 253 square feet.
 - Building signage shall be permitted within the C.U.P. Building signage shall be limited to 20% of the wall area with a maximum size of 150 sq. ft. per elevation for 1 sign or may be divided into a maximum of 3 signs, 70 sq. ft. per sign per elevation.
 - Accent lighting of monument signs shall be permitted.
 - Window signage shall be limited to 25% of window area.
 - Off-site signs: Two off-site signs shall be permitted along Kansas Highway 96 within Parcels 12 and 13. One off-site sign shall be permitted at the intersection of 37th Street North and Ridge Road within Parcel 1.
- No occupancy permits shall be issued for any development without services by municipal water and sewer services.
 - All proposed new utilities shall be installed underground.
 - The following transportation improvements and Parcel access shall be provided:
 - Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between Parcels within the C.U.P.
 - Access controls shall be as shown on the Final Plat and revised upon the C.U.P.
 - An overall site circulation plan shall be submitted for review and approval by the Director of Planning, in accordance with the Zoning Administrator and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterials and within buildings on the CUP and may provide connections to adjoining properties, and ensure that the main drives are not blocked by parking spaces directly backing onto the main drive aisles.
 - A plan for a pedestrian walkway system shall be a requirement of the C.U.P. The walkway system shall include proposed buildings with the entrances and sidewalks along North Ridge Road shall be assured by required submission and approval of circulation plans by the Director of Planning prior to issuing building permits.
 - Grading Plan: A lot grading plan will be prepared in conformance with the Drainage Concept Plan for review prior to the Issuance of a Building Permit.
 - Final determination of minimum pad elevations (at least 2 feet higher than the 100 year flood elevation), street right-of-way, easements, and pavement widths on public/private streets shall be resolved at the time of platting. Drainage requirements and improvements shall be determined at the time of platting. If necessary, the CUP development plan shall be adjusted or amended to reflect final drainage requirements.
 - The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - Any major changes within this Community Unit Plan shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations to the C.U.P. shall be done in accordance with the Unified Zoning Code.

LEGAL DESCRIPTION

A tract of land lying in a portion of the Southwest Quarter of Section 27, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgewick County, Kansas; said tract of land being more particularly described as follows: COMMENCING at the southwest corner of said Southwest Quarter; thence along the west line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N01°50'00"W, 99.52 feet; thence N88°24'51"E, 71.72 feet to a point on the east right of way of Ridge Road dedicated on Film 1935, Page 2074; said point also being the POINT OF BEGINNING; thence along said east right of way for the next five courses, N04°15'57"W, 250.76 feet; thence parallel with and 60 feet east of said west line, N01°30'00"W, 1251.00 feet; thence N01°59'11"E, 401.23 feet; thence N01°35'29"W, 147.74 feet; thence N04°44'51"E, 300.30 feet to a point on the south right of way line of K-96 Highway; thence along said south right of way line for the next five courses, N76°07'51"E, 666.00 feet; thence N88°44'57"E, 542.24 feet; thence N88°42'31"E, 506.95 feet; thence N84°5'10"E, 501.10 feet to a point on the north line of said Southwest Quarter; thence along said north line, N88°55'10"E, 314.60 feet to the northeast corner of said Southwest Quarter; thence along the east line of said Southwest Quarter, S01°24'14"E, 888.70 feet; thence S88°55'10"W, 902.34 feet to a point on the east line of exception tract described on Film 1696, Page 457; thence along the boundary of said exception tract for the next three courses, N01°27'56"W, 208.71 feet; thence S88°55'10"W, 417.42 feet; thence S01°27'56"E, 208.71 feet; thence S88°55'10"W, 248.73 feet to a point 107.00 feet east of said west line of said Southwest Quarter; thence parallel with and 107.00 feet east of the said west line, S01°35'09"E, 465.00 feet; thence S88°55'10"W, 602.02 feet to a point 488 feet east of said west line; thence parallel with and 488 feet east of said west line, S01°35'09"E, 121.97 feet to a point 60 feet north of the south line of said Southwest Quarter; thence parallel with and 60 feet north of said south line, S88°46'20"W, 42.82 feet; thence N82°41'59"W, 101.12 feet to a point 75 feet north of said south line; thence parallel with and 75 feet north of said south line, S88°46'20"W, 227.39 feet; thence N47°44'48"W, 36.28 feet to the POINT OF BEGINNING. Said tract CONTAINS: 3,010,491 square feet or 69.11 acres of land, more or less.

COMMUNITY UNIT PLAN DP-337

ESTANCIA COMMERCIAL

OWNER / DEVELOPER: Tie 1, LLC Attn: Mary Schellenberg 7926 W. 21st, Wichita, KS 67205 (316) 721-2153

CUP2015-00015
ZON2015-00029



Submitted: June 15, 2015

STAFF REPORT
MAPC July 23, 2015
Derby Planning Commission July 16, 2015

CASE NUMBER: CON2015-00022

APPLICANT/AGENT: Albert and Shannon Austin (applicants/owners) Southwestern Remodeling (agent)

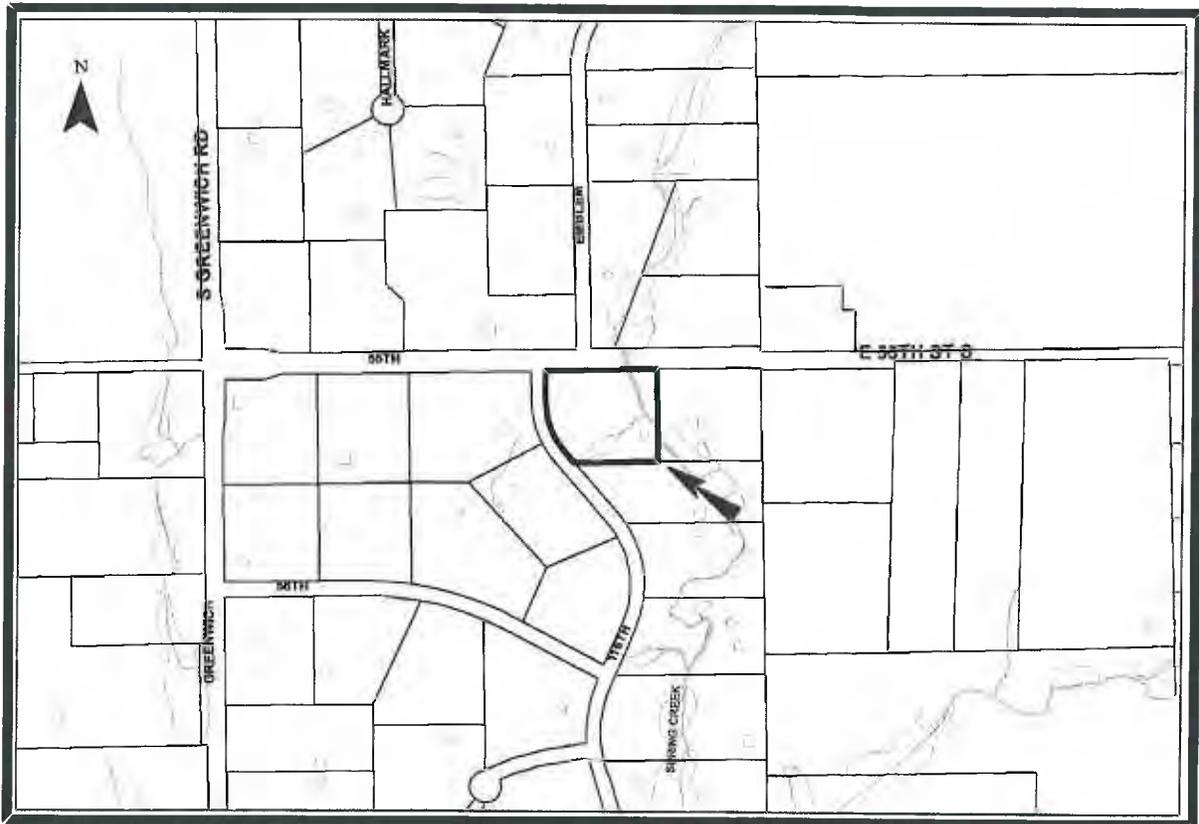
REQUEST: Conditional Use for an Accessory Apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: 5.14-acres

LOCATION: East of Greenwich Road, on the southeast corner of 55th Street South and 116th Street East

PROPOSED USE: Accessory Apartment for elderly parent



BACKGROUND: The applicants are requesting a Conditional Use for an “accessory apartment” on the 5.14-acre, unplatted RR Rural Residential zoned subject site located on the southeast corner of 55th Street South and 116th Street East. The Wichita-Sedgwick County Unified Zoning Code (UZC) defines an accessory apartment (Art.II., Sec.II-B.1.b) as: a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit.

The applicant’s site plan and a review of the site by staff reveals a one-story, brick and lap siding single-family residence (3,985 square-foot, built 1996) with an attached brick and lap siding garage, a detached brick and lap siding garage, a detached metal accessory building and a tennis court. Approximately 1,090-square feet of the 2,660-square foot detached metal accessory building is proposed to be converted into an accessory apartment. The site plan also shows a sewage lagoon, a pond and two existing drives, one to the primary residence off of 116th Street East and the other to the accessory apartment off of 55th Street South.

Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a:

(1) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment. *The applicant proposes to convert approximately 1,040-square feet of the 2,660-square foot detached metal accessory building into 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. *The interior conversion of a portion of the detached metal building into an accessory apartment will not alter the exterior appearance (with the exception additional windows and a doors being installed) of the detached metal building. The proposed conversion will not change the character of the subject site, nor will it alter the existing character of the area.*

(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. *A covenant will be filed with the Register of Deeds stating that 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.*

(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. *An existing sewage lagoon will serve both the principle residence as well as the proposed accessory apartment. Water will be provided by a well.*

The site and the surrounding area is zoned RR and developed as large tract single-family residences (most built in the 1990s) served by sewage lagoons and farmland. Most of the large tract single-family residences are located between the subject site, west (and beyond) to Greenwich Road. Greenwich Road is a north-south County Highway that is paved its entire length from Sumner County to Harvey County. Spring Creek runs north to south through the area and separates the subject site from its east neighbor.

CASE HISTORY: The RR zoning was applied to the property when the County adopted countywide zoning in 1985.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Farmland, large tract single-family residences
SOUTH:	RR	Large tract single-family residences
EAST:	RR	Farmland, large tract single-family residences
WEST:	RR	Large tract single-family residences

PUBLIC SERVICES: The property utilizes a lagoon and on-site water well. 116th Street East is a sand and gravel residential road with 70 feet of full right-of-way. 55th Street South a sand and gravel section line road with 100 feet of full right-of-way.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide Map” categorizes this site as a “rural area.” Rural areas are located outside of the urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County. The RR zoning district is appropriate for the rural category. A Conditional Use is required for consideration and action on an accessory apartment in the RR zoning district.

The site is located within the City of Derby’s Zoning Area of Influence. The planning commission (Derby Planning Commission) of a second or third class city shall have the authority to review and recommend to the Metropolitan Area Planning Commission (MAPC) approval, approval with conditions or modifications, or denial of applications to amend the Official Zoning Map if such application involves property within the subject city's area of influence. The recommendation must be transmitted to the MAPC on or before the scheduled date of the public hearing before the MAPC. The lack of a recommendation by the second or third class city's planning commission on or before the scheduled date of the hearing before the MAPC shall be construed as a recommendation for approval of the application or proposal; Art.VI, SecVI-D.2. The request will be considered by the Derby Planning Commission on July 16, 2015, a week before the July 23, 2015, MAPC meeting.

If a proposed Conditional Use involves property within the Zoning Area of Influence of a second or third class city in Sedgwick County, and if the planning commission of that city has recommended against the Conditional Use on or before the scheduled date of the hearing before the MAPC, approval of such Conditional Use by the Governing Body shall require a unanimous vote of all members; Art.V, SecV-D.9.

RECOMMENDATION: The surrounding area is developed as large tract single-family residences (most built in the 1990s) served by sewage lagoons and farmland. The application area has 5.14-acres which is more than enough room to accommodate the accessory apartment and the existing principal structure. Existing trees on the subject site and along Spring Creek, on the site’s east side, provides screening from neighboring properties. 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 building, fire, environmental, and utility regulations or codes.
2. The applicant shall conform to Art. III.Sec.III-D.6.a.1-4, with the exception that: (a) the exterior appearance of the detached metal building will remain as it is a result of the conversion of 1,040-square feet of the 2,660-square foot detached metal accessory building into an accessory apartment, with exception of additional windows and doors, and; (b) if the proposed accessory apartment’s water is supplied by RWD #3, a separate meter may be provided for the proposed accessory apartment.
3. A covenant will be filed with the Register of Deeds stating that 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.
4. The accessory apartment will be completed within one year of approval by the applicable governing body or it will declared null and void.
5. 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: The site and the surrounding area is zoned RR and developed as large tract single-family residences (most built in the 1990s) served by sewage lagoons and farmland. Most of the large tract single-family residences are located between the subject site, west (and beyond) to Greenwich Road.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR which permits primarily agricultural uses and large-tract/lot single-family residences. The property could continue to be used for one single-family residence; however, the size of the property easily accommodates an accessory apartment and the additional required parking space.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The internal conversion of a portion of the detached metal accessory building into an accessory apartment will not change the appearance of the subject site (except for additional windows and doors), nor will it have a negative impact on the character of the neighborhood. The conditions of approval should minimize any anticipated detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide Map” categorizes this site as a “rural area.” Rural areas are located outside of the urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County. The RR zoning district is appropriate for the rural category. A Conditional Use is required for consideration and action on an accessory apartment in the RR zoning district.

The site is located within the City of Derby’s Zoning Area of Influence. The planning commission (Derby Planning Commission) of a second or third class city shall have the authority to review and recommend to the Metropolitan Area Planning Commission (MAPC) approval, approval with conditions or modifications, or denial of applications to amend the Official Zoning Map if such application involves property within the subject city's area of influence. The recommendation must be transmitted to the MAPC on or before the scheduled date of the public hearing before the MAPC. The lack of a recommendation by the second or third class city's planning commission on or before the scheduled date of the hearing before the MAPC shall be construed as a recommendation for approval of the application or proposal; Art.VI, Sec.VI-D.2. The request will be considered by the Derby Planning Commission on July 16, 2015, a week before the July 23, 2015, MAPC meeting.

5. Impact of the proposed development on community facilities: No significant impacts have been identified since the site will use on-site services and the addition of one home inside an existing structure will not generate enough traffic to impact the section line road.

REVISIONS

55th STREET S.

100'-0"
STREET R.O.W.

70'-0"
R.O.W.

535'-0"

146'-5"

APPROX EX
DETACHED GARAGE

EX
DRIVEWAY

GUEST SUITE LOCATION
(SEE SHEET A-2 (3 OF 3)
FOR BLOW-UP

EX ACCESSORY
BUILDING

EX TENNIS & ALL
PURPOSE COURT

EX
DRIVEWAY

EX
GARAGE

EX
HOUSE

CON 2015-22

REMODELING OF RESIDENCE FOR:

AUSTIN

S. 116th STREET E.
265.31' @ 400'R

OWNER:
AUSTIN, ALBERT & SHANNON
5600 S. 116th ST. E.
PORTION SECTION 27-28-2E
GEO CODE: GY 001340024
LOT ACREAGE: 5.14



APPROX
EX LAGOON

APPROX
EX POND

65'-10"

402'-3"

440'-2"

AUSTIN SITE PLAN
1" = 60'-0"

134 N. ELIZABETH
WICHITA, KS
67203

PH 316.263.1239
FX 316.263.6230

LICENSE # 752

DATE
5-26-15

DRAWN BY
MW

"Since 1970"
SOUTHWESTERN REMODELING
263-1239 CONTRACTORS
 Wichita's Remodeler

SHEET NO.
S-1
1 OF 3

STAFF REPORT

MAPC July 23, 2015
DAB IV August 3, 2015

CASE NUMBER: CON2015-00023

APPLICANT/AGENT: Calvin Opp (Applicant/Owner)
Clear Channel Outdoor, c/o: David Mollhagen (Agent)

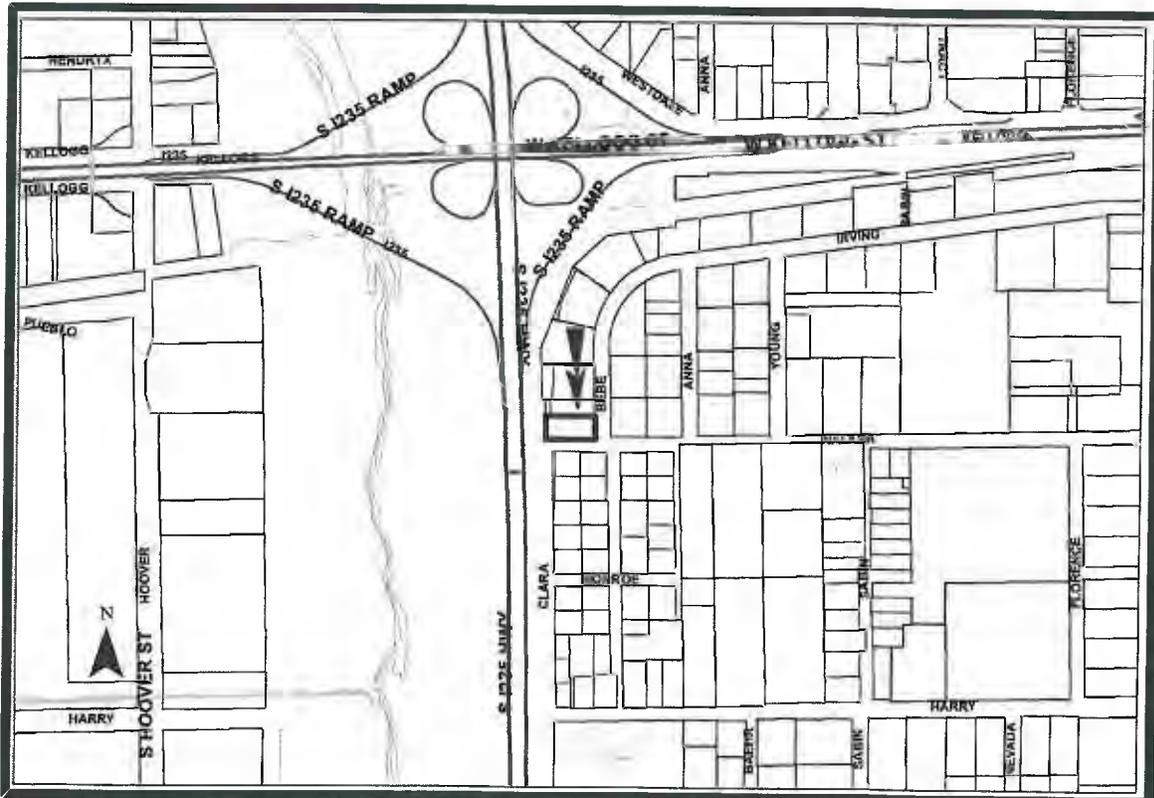
REQUEST: Special Review for an Off-site Sign within 300 feet of a residential structure

CURRENT ZONING: LI Limited Industrial ("LI")

SITE SIZE: 0.64 acre

LOCATION: Northwest corner of Bebe Avenue and Walker Street (1375 S. Bebe Ave.)

PROPOSED USE: Off-site Sign relocation due right-of-way acquisition for a new I-235 access ramp



BACKGROUND: The applicant’s existing off-site advertising billboard sign is legal non-conforming because it is within 300 feet of residential zoning and development. The applicant’s current sign location will be taken for right-of-way accommodating the I-235/US-54 (Kellogg) Interchange improvement. To re-build the applicant’s off-site sign 23 feet east of the present location requires MAPC approval. The Sign Code Section 24.04.225(a) states that “*An application for a permit for installation of a new or enlarged (size or height) off-site billboard sign located closer to a residentially-zoned lot or use than allowed by Section 24.04.222.4d of this code (300 feet) shall require a public hearing and approval by the Planning Commission or, if forwarded to the Wichita City Council for final action, shall require approval by the Wichita City Council.*”

The application area is zoned LI Limited Industrial (“LI”) and is developed with a construction company in a building located east of the subject sign. According to the applicant, the off-site sign was built in 1976.

Property north and east of the site is zoned LI Limited Industrial (“LI”) and is developed with a steel fabrication facility and other manufacturing use. Property south of the site is zoned LI and SF-5 Single-family Residential (“SF-5”) and is developed with a warehouse and single-family residence respectively, with I-235 located to the west. The nearest residences to the sign are located approximately 170 feet due south of the sign. Some mixed multi-family and two-family residential zoning with single-family residential development exists further south of the site.

CASE HISTORY: The property was platted as the Pearl May Jones Addition to Wichita, KS in 1970.

ADJACENT ZONING AND LAND USE:

NORTH	LI	Steel fabrication facility
SOUTH	SF-5 and	Single-family residences and warehousing
EAST	LI	Manufacturing
WEST	I-235	I-235

PUBLIC SERVICES: The site has direct access to Walker, a two-lane unpaved local street at this location. All normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as “Employment/Industry Center.” The existing LI zoning, manufacturing use, wireless communication tower, and off-site sign on this site are consistent with this designation.

RECOMMENDATION: The existing off-site sign, on this site since 1976, has no apparent impact on surrounding residential properties. Re-building the sign 23 feet to the east, to accommodate the I-235/US-54 Interchange expansion, should have no increased impact on the surrounding properties. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

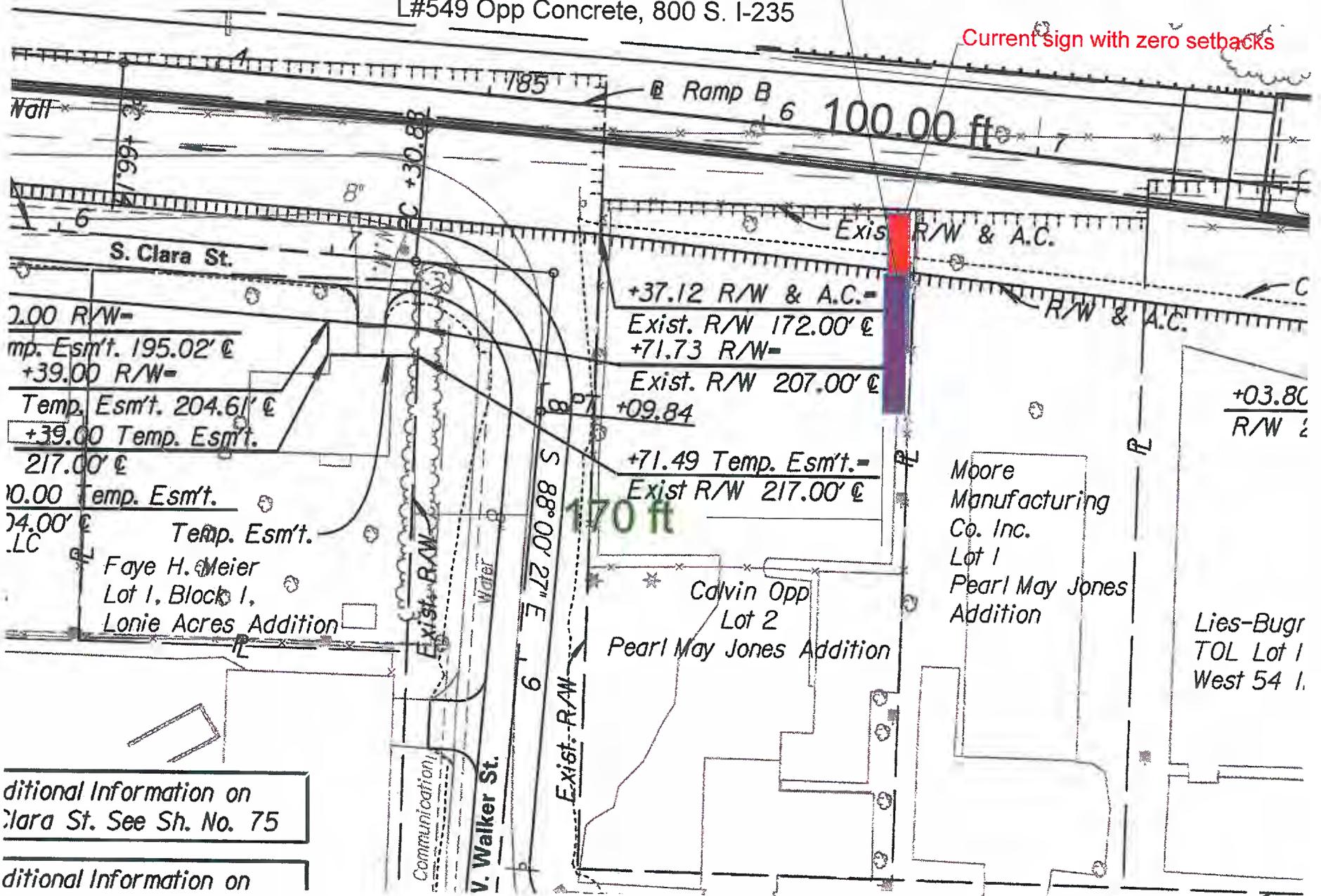
1. The site shall be developed and maintained in accordance with the approved site plan and elevation drawing, and shall be located 23 feet from the present location.
2. The applicant shall obtain all permits necessary to construct the sign and the sign shall be erected within one year of approval, unless such time period is extended by the MAPC.
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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property north and east of the site is zoned LI Limited Industrial (“LI”) and is developed with a steel fabrication facility and other manufacturing use. Property south of the site is zoned LI and SF-5 Single-family Residential (“SF-5”) and is developed with a warehouse and single-family residence respectively, with I-235 located to the west
2. The suitability of the subject property for the uses to which it has been restricted: The existing site could be used for a wide variety of uses allowed by the current LI zoning. Without MAPC approval, the existing off-site sign cannot be re-built as proposed.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The existing off-site sign, on this site since 1976, has no apparent impact on surrounding residential properties. Re-building the sign 23 feet to the east, to accommodate the I-235/US-54 Interchange expansion, should have no increased impact on the surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan designates this site as “Employment/Industry Center.” The existing LI zoning, manufacturing use, wireless communication tower, and off-site sign on this site are consistent with this designation.
5. Impact of the proposed development on community facilities: Relocating the off-site sign 23 feet to the east of its present location should have no additional impact on community facilities.

Proposed sign location with zero setbacks
 and within 300 feet of residential property
 L#549 Opp Concrete, 800 S. I-235

Current sign with zero setbacks



Additional Information on
 Clara St. See Sh. No. 75

Additional Information on

STAFF REPORT
Advanced Plans 7-9-2015
MAPC 7-23-2015

CASE NUMBER: DER2015-00005

APPLICANT/AGENT: Robert Parnacott, Assistant County Counselor, agent for the applicant Board of County Commissioners of Sedgwick County, Kansas.

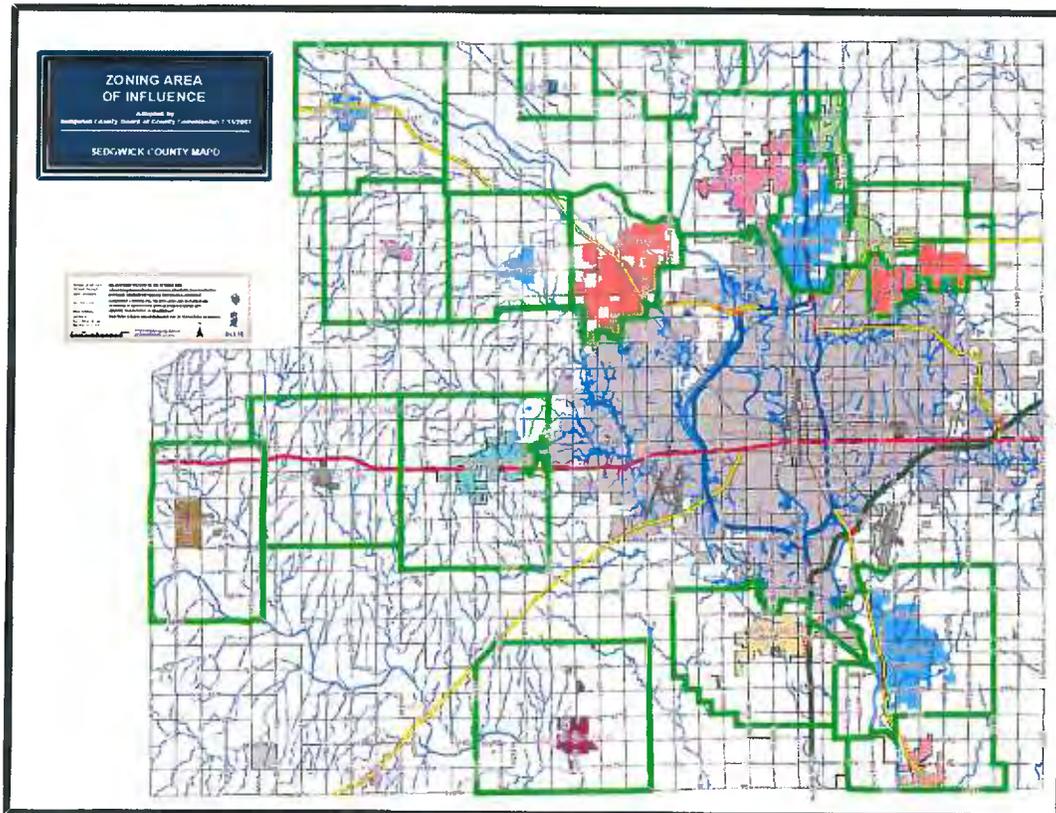
REQUEST: Amendment to the Wichita-Sedgwick County Unified Zoning Code to eliminate Zoning Area of Influence authority

CURRENT ZONING: N/A

SITE SIZE: N/A

LOCATION: County-wide

PROPOSED USE: N/A



BACKGROUND: On Wednesday June 10, 2015, at its regularly scheduled meeting the Board of Sedgwick County Commissioners (BoCC) directed staff to process an amendment to the Wichita-Sedgwick County Unified Zoning Code (UZC) that would, if approved, eliminate “zoning area of influence” (ZAOI) review authority.

The Wichita-Sedgwick County Unified Zoning Code (UZC) contains provisions that require certain development applications on properties located within specific geographic areas surrounding 17 of Sedgwick County’s cities are to be presented to the specified cities’ planning commissions prior the applications being presented for consideration by the Metropolitan Area Planning Commission (MAPC) and/or the BoCC. The defined geographic area surrounding the 17 cities that trigger review by a city’s planning commission is known as the “zoning area of influence” (ZAOI). Seventeen of the County’s cities have ZAOI authority. The cities of Viola, Wichita and Eastborough do not have ZAOI authority. A map of the current ZAOI boundaries is attached. Only zoning, conditional use, community unit plan and planned unit development applications fall under ZAOI review requirements. Other development applications such as: plats, dedications, administrative adjustments or lot splits are not subject to ZAOI review requirements. The UZC specifies that applications requiring ZAOI review must be presented to the city’s planning commission having ZAOI authority prior to review by the MAPC or the BoCC. If the planning commission having ZAOI authority recommends denial the application can only be approved by a unanimous vote of the BoCC. The unanimous vote requirement to override a recommendation of denial by a city having ZAOI review authority is unique to ZAOI procedure. Applications not subject to ZAOI review can be approved with either a simple majority, two-thirds or three-fourths majority vote.

“Zoning area of influence” review was established in 1985 when Sedgwick County adopted county-wide zoning. Presumably the concept of ZAOI was intended as a substitute for those jurisdictions that had enacted “extra-territorial zoning authority.” K.S.A. 12-715b allows cities to adopt zoning regulations affecting all or any designated portion of the land located outside the city but within three miles thereof under certain conditions, except that for floodplain regulations in areas designated as a floodplain. K.S.A. 12-715b.(a) states a city may establish three mile ring zoning if: the city has established a planning commission per K.S.A. 12-702, and which provides for the appointment of two commission members who reside outside the city but within the area subject to the zoning regulations of the city or the city has a joint, metropolitan or regional planning commission in cooperation with the county in which the city is located; (b) the land outside the city has been included within a comprehensive plan recommended by either of such planning commissions and has been approved by the city governing body or the board of county commissioners and (c) the county has specifically excluded the land from county zoning regulations or the county does not have in effect zoning regulations for such area. The city wishing to initiate three mile ring zoning must notify the county commissioners in writing 60 days before initiating zoning regulations.

It is also likely that ZAOI was included in the County zoning code as a vehicle to assure cities that county-wide zoning would not be detrimental to the cities’ growth and development interests since it is likely that development located on the borders of a city will ultimately be annexed by a city. Once annexed, the city will have to deal with any residual issues associated with the development, such as, nonconforming uses created by different zoning, building or fire codes, or the conversion from on-site sewer or water services to municipal services. Attached is a summary of County applications from June 2010 to present, prepared by the County Counselor’s office. The summary notes that there were a total of 86 County cases filed; 34 of which were in a ZAOI. Since October 1991, only four applications have received a recommendation of denial from one of the cities, and then overridden by a unanimous vote of the BoCC.

Since the 1990’s there have been three or four reviews of the ZAOI requirements. Most of the reviews

have been triggered by requests from one or more of the cities that have ZAOI authority to expand the area covered by a specific city's ZAOI. Some of the requests to enlarge a city's ZAOI have been approved; others have been denied.

Positions against having ZAOI review have traditionally been one of the following: 1) State law grants counties the senior authority to exercise zoning jurisdiction on unincorporated lands, and only provides cities the authority to establish extra-territorial zoning when the county has not established zoning in the area surrounding the city. 2) The unanimous vote requirement of the BoCC to override a recommendation of denial by a city with ZAOI authority is overly onerous. There are not any other development applications that require a unanimous vote to gain approval; therefore, development applications with a ZAOI have more risk than similar applications located outside of ZAOI territory. 3) The ZAOI review process can delay the final disposition of a development application because of the requirement that the cities ZAOI meeting occur before the MAPC can hear the request. Fifteen of the 17 cities with ZAOI authority meet only once a month; while the MAPC meets twice a month. Depending on when an application is filed relative to the meeting dates of the city with ZAOI review authority, an application can be delayed from a typical time frame. The delay can vary from one to three weeks. 4) Property owners living inside a ZAOI do not have an opportunity to vote for or against city council members who make appointments to a city's planning commissions that has ZAOI authority. 5) Courtesy notices could be provided to cities and a representative from a city could appear before the MAPC and/or the BoCC and provide comments.

In the past, the following suggestions to change the existing ZAOI process short of eliminating the procedure completely have been presented (not presented in any order of preference): 1) Modify the unanimous vote requirement to override a recommendation of denial to a simple majority or a two-thirds or three-fourths super majority vote. 2) Reduce the geographic area included in some or all ZAOI territory. 3) Eliminate the requirement that applications are required to go to the planning commission of a city with ZAOI jurisdiction prior to the MAPC hearing. Change the process to allow the case to be presented to the city after MAPC's hearing but before BoCC consideration, or if BoCC consideration is not required, before final approval.

Those opposed to eliminating ZAOI authority have indicated: 1) The process promotes collaboration on development applications between the County's less populace cities and County departments that will be responsible for issuing permits or conducting inspections. 2) The requirement for a hearing before a city's planning commission grants an opportunity for the city to provide an official, voted upon, response, instead of an opinion offered by an individual city representative. 3) All of the planning commissions with ZAOI meet at night, which makes it more convenient for county residents to attend the planning commission meeting. 4) Compared to downtown Wichita, the cities with ZAOI are generally more centrally located to the citizens most impacted by an application and would wish to attend the zoning hearing.

The following UZC sections are proposed to be deleted.

Article I, Section I-G. ZONING AREAS OF INFLUENCE

In order to provide for review of zoning map amendment requests by the planning commissions in the second and third class cities of Sedgwick County, the Governing Body of the County has adopted and hereby maintains Zoning Areas of Influence around such communities.

1. Map adopted. The "Zoning Areas of Influence Map," originally adopted January 1, 1985, and amended from time to time, is hereby adopted as part of this Code.
2. Interpretation of boundaries. The rules for interpreting the boundaries of the

Zoning Areas of Influence shall be the same as for interpreting the boundaries of zoning districts, as set forth in Sec. III-A.5.

3. Amendments. The procedures for changing Zoning Area of Influence boundaries are set out in Sec. V-K.

Article II, Section II-B.14.u. Zoning Areas of Influence means the area surrounding second and third class cities in Sedgwick County, as shown on a map originally adopted January 1, 1985, as amended from time to time. See Sec. I-G.

Article V, Section V-K. AMENDMENTS TO AREA OF INFLUENCE BOUNDARIES

1. Initiation of amendment request. Proposed changes to the boundaries of the areas of influence may be initiated through application filed with the Planning Director by any planning commission of a city of the second or third class within the County, by the Metropolitan Area Planning Commission or by the Board of County Commissioners.

2. Planning Commission hearing. The Planning Director will establish a time and date for a hearing before the Metropolitan Area Planning Commission and will notify the mayor and planning commission of any affected city, the Metropolitan Area Planning Commission and the Board of County Commissioners of the date, time and place of said hearing. After consideration of the evidence and arguments presented at the hearing, the Metropolitan Area Planning Commission shall recommend approval, approval with conditions or modifications, or disapproval of the proposed change.

3. Board of County Commissioners' hearing. The Planning Director shall forward the Planning Commission's recommendation to the Board of County Commissioners. The Board of County Commissioners may accept, modify or reject the recommendation of the Planning Commission. The action of the Board of County Commissioners on any proposed change to an area of influence boundary shall be final.

Article VI, Section VI-B.6. Amendments to Area of Influence boundaries. The Governing Body of Sedgwick County shall have the authority to approve, approve with conditions or modifications, or deny applications for amendments to Zoning Area of Influence boundaries. The Governing Body's decision shall be the final local action on such an application.

Article VI, Section VI-C.6. Amendments to Area of Influence boundaries. The Planning Commission shall have the authority to review and recommend to the Governing Body approval, approval with conditions or modifications, or denial of applications to amend Area of Influence boundaries.

Article VI, Section VI-D.4. Amendments to Area of Influence boundaries. The planning commission of a second or third class city shall have the authority to initiate an application to amend the subject city's area of influence boundary.

CASE HISTORY: Prior to 1985 Sedgwick County did not have county-wide zoning regulations. Some of the cities in Sedgwick County had been granted Sedgwick County three mile ring extraterritorial zoning - Valley Center (1-17-69), Mulvane (3-16-67), Derby (11-15-63), Haysville (9-8-61), Cheney (11-8-73), Goddard (11-12-69) and Wichita (3-3-58). Grandriver Township was granted zoning authority on September 12, 1963. (The dates of adoption of Sedgwick County extraterritorial zoning previously noted were found in March 11, 1971 and July 28, 1987, memos from Jack Galbraith, Chief Planner, Current

Plans.)

In an October 13, 1983, memo from Robert Lakin, Director of Planning, stated in January 1981, the County Commission had received several requests from second and third class cities for extraterritorial subdivision and zoning jurisdiction. Lakin noted in his memo that “at that time County zoning existed around ten cities (including Wichita) and there were four cities with zoning jurisdiction in their own three mile ring with four more cities considering their own three mile ring extraterritorial zoning. It was pointed out that there was a possibility of having eleven or more sets of zoning regulations, five sets of subdivision regulations and one building code regulating development in the unincorporated county.” Lakin’s memo notes that subdivision regulations cover the entire county, while one-third of the county is unzoned. Metropolitan Area Planning Department staff held meetings with representatives of cities of the second and third class to discuss zoning and subdivision jurisdiction.

The MAPC held public hearings on October 22, 1981, regarding zoning and subdivision authority. Lakin’s memo further states “Generally the representatives [from the cities] felt that there was a need to zone the unzoned areas. Representatives from the cities with existing City extraterritorial zoning felt that they should be allowed to keep their zoning. The discussion of subdivision regulations indicated that the existing jurisdictions should be retained.” A second public hearing was held on April 22, 1982, at which time the MAPC voted to recommend that the subdivision jurisdictions remain the same; that the entire unincorporated area of Sedgwick County be included under County zoning regulations; and in order to give a stronger voice to the second and third class cities, that areas of influence be established and incorporated into the zoning regulations. Use of the area of influence would mean that when a City Planning Commission recommended denial of a rezoning request in their area of influence, it would require a unanimous vote of the County Commission to approve the change. On June 2, 1982, the County Commission concurred with the recommendation of the MAPC and directed staff to prepare the necessary text changes to incorporate the “area of influence.”

Lakin’s memo further states that MAPD staff prepared zoning area of influence maps with boundaries that “represent our understanding of the boundaries requested by each city at the meetings.” Lakin also notes that “Most of the comments staff has heard have been from those cities that will lose their extraterritorial zoning jurisdictions. They desire to retain their zoning areas and feel that they are better suited to act on development in their area.” “Cities currently surrounded by County zoning have not made many comments about the concept of county wide zoning but do not seem to have objections to county wide zoning.”

By March, 1984, the cities of Mt. Hope, Andale, Colwich, Maize Sedgwick, Garden Plain and Clearwater had local city three mile ring zoning. Countywide zoning was adopted January 1, 1985.

Prior to 1985, builders, developers and citizens in Sedgwick County had 15 different sets of zoning regulations dealing with land use in force. Therefore, it was desirable to substitute a single set of uniform zoning regulations that applied county wide in place of the multi-jurisdictional situation then in effect. As noted above, state law allows the County to establish zoning regulations in the county that supersede a city’s extra-territorial zoning jurisdiction. To make countywide zoning attractive to all the cities in the County, the 1985 Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, established the “zoning area of influence” concept and procedures.

Section 1.C.1 of the 1985 County Zoning Code stated that in order to provide for consideration by the City Planning Commissions of the second and third class cities in Sedgwick County of certain rezoning requests, Zoning Areas of Influence, as shown on the Zoning Areas of Influence Map dated January 1, 1985 is hereby established. Section 17.C.4 stated that for changes in zoning classification or district

boundaries or for conditional use or special permit use requests for property located within the zoning area of influence for any city of the second and third class within Sedgwick County, the planning commission of that city may hold a public hearing and make a recommendation to the Commission. In making its recommendation, the city's planning commission shall consider the factors listed in Section 17.C.5 (the Golden factors). The MAPC shall hold a public hearing for the zone change request or conditional use or special use request and consider the recommendation of the city's planning commission before issuing its recommendation to the Governing Body. The Governing Body shall not approve the request, except by unanimous vote, when the city's planning commission recommends against the request.

The 1985 County Zoning Code contained a map defining each city's ZAOI boundary. It can be noted that the area covered by each city's individual ZAOI varied considerably. Maize and Bentley had the smallest areas covering approximately one mile around the city. Several of the other cities, Garden Plain, Goddard and Andale, have approximately three miles around the city.

PUBLIC SERVICES: "Zoning area of influence" review potentially provides an early notice to a city that development is planned in an area that the city may currently serve or is likely to serve, and may serve to facilitate the planning for, and the delivery of services where multiple jurisdictions may be involved. Methods other than current ZAOI procedures can be implemented to accomplish the same result.

CONFORMANCE TO PLANS/POLICIES: As noted above, the authority for ZAOI review is contained within the UZC, and there is not any statutory requirement that a county has to grant a city zoning review authority in areas where a county has established county zoning.

RECOMMENDATION: The staff report outlines the history of and the arguments for and against the ZAOI arrangement. The MAPD see little value to be gained by its elimination, but little harm if it is eliminated. Based upon the information available at the time the staff report was prepared the following options are offered (in no order of preference):

- 1) Do nothing, leave the process unchanged.
- 2) Eliminate ZAOI review in its entirety.
- 3) Retain ZAOI review but: a) substitute the unanimous vote override requirement with a two-thirds supermajority requirement; b) reduce the land area included within a city's ZAOI territory to one mile beyond its city limits, or to the future growth area as shown on the County's adopted comprehensive plan land use map; or c) allow the city ZAOI meeting to occur after MAPC hearing but before BoCC hearing or final approval.

(To pass a motion amending the UZC eight positive votes are required.)

Zoning Areas Of Influence (ZAOI) Cases June 2010 – Present
(Prepared by County Counselor’s office by review of MAPC Agendas)

Summary

Total zoning / conditional use cases in unincorporated area	86
In ZAOI	34

Breakdown by type

Lesser intensity		19
Accessory apartments	11	
Utilities	7	
Institutional (church)	1	
Higher intensity		15
(E.g. extraction, commercial, limited industrial, etc.)		

By City – total cases

Andale	2
Bel Aire	1
Bentley	3
Cheney	3
Clearwater	1
Colwich	3
Derby	4
Garden Plain	5
Goddard	3
Haysville	5
Kechi	2
Sedgwick	1
Valley Center	1
	34

By BoCC District and City

First District	
Bel Aire	1
Kechi	2
Second District	
Clearwater	1
Haysville	5
Third District	
Andale	2
Bentley	3
Cheney	3
Colwich	3
Garden Plain	5
Goddard	3
Fourth District	
Sedgwick	1
Valley Center	1
Fifth District	
Derby	4

Cities with no cases in ZAOI: Maize, Mount Hope; Park City, Mulvane
 Cities that do not have ZAOI: Eastborough, Viola, Wichita

Item V 15-0400 **INITIATE APPLICATION WITH METROPOLITAN AREA PLANNING DEPARTMENT FOR AMENDMENT OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (UZC) REGARDING ZONING AREAS OF INFLUENCE.**

Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, “I made a presentation at a staff meeting a couple weeks ago. Following the staff meeting, Chairman Ranzau asked that I place this item for consideration on the agenda with the recommended action.

“I don't want to go over the entire presentation I made back at the staff meeting, but I will hit the highlights and provide some new information that we developed since that meeting, and I think I might start with first noticing the map that's on the screen, which shows a number of things. It shows the, in the blue boxes, the areas of zoning influence that the small cities have around the county, which are areas outside of their city limits that they do get notification of zoning cases and have some opportunity to weigh in on. The green dots that you see in various locations are actual cases within the last five years that fell within a small city zoning area of influence. The red areas are the small city growth areas that are recognized in the comprehensive plan right now. And that, of course, is not coterminous -- with the zoning area's influence. Some are, almost coterminous or completely coterminous but for the most part they're not. So you will see some cases fell outside of the small city growth areas but within the zoning areas of influence.

“It's a little harder to read up in the corner, but we've got a breakdown per city of the square mileage the cities have in terms of the area of influence and also their city limit square mileage, and you can kinds of compare and see the proportionality or sometimes disproportionality of the areas of influence. I might start with some new information that we've developed over the last couple of days. Dan Malone and I have talked about this. I think I'll walk through the process for a zoning case for a standard zoning case, not necessarily including a zoning area of influence matter, but we typically, we have a calendar that's adopted by the planning commission every year, and it sets out the dates. So it sets out an application cutoff date. For example, the next cutoff date is June 15th, Monday at 4:00 [p.m.]. Any applications received before 4:00 [p.m.] on Monday would be processed under the following timeline.

“It would start with the notice being sent to the newspaper on June 29th for publication on July 2nd. That is the official publication notice we have to make. That has to be done 20 days prior to the MAPC (Metropolitan Area Planning Commission) hearing. MAPC would hold their hearing on the published date, which would be July 23rd. We have a two-week protest period following that public hearing by MAPC, where people can file appeal or protests of the zoning decision or recommendation made by the planning commission. For some cases, conditional uses that don't have supplemental regulations being waived, that don't have protest, don't have appeals, that is the end point for those cases. Those cases do not come over here to this side of the street.

“There is a resolution that is signed by the Chairman of the Planning Commission. It does not have to be published. So for a run-of-the-mill conditional use case, we're talking about a seven week process from the application being filed until the resolution is official. That can always have some little problems in terms of continuances or for whatever reason, and again we're not talking about when this has gone to a small city. However, when it's a zoning change or condition use, it has to come over to this side of the street, following a two-week protest and appeal period, there has to be a Legistar agenda item prepared, and we have the standard process of doing that and it takes a few more weeks. Using the example of an application filed before 4:00 [p.m.] on this Monday, if it was the kind of case that would come forward to you, you would be considering that case on September 2nd. Ordinarily, because of the timing, it should have been August 26th, but because you don't meet on the last Wednesday of the month, it kicks forward a week.

“So depending again on the cycle and where you're at in the cycle, you may have anywhere from 11 to 12 weeks for an ordinary zoning case to go from application date to final action by the Board of County Commissioners. It takes us two to three days to get the resolution published, and then it's a done deal. The other exception to this is when we've approved a zoning change subject to platting, in which case you have to wait until the platting process is done for the resolution is signed and published. That in a nutshell is the zoning process. The notification and review by the small city planning commission, of course within that timeframe, ordinarily will not delay that time frame. It proceeds more or less parallel. We have had, on occasion, and Dale Miller is here and can speak to any particular situations he remembers, where a small city planning commission lacked a quorum and asked to have it put off a little longer so they would have time to weigh in on it.

“One of the elements of the review by a small city planning commission is that their negative recommendation, which would trigger a unanimous vote by this commission in order to approve, has to occur prior to the date of the planning commission hearing. So there is a timing issue for them on that, and that has led occasionally to a further delay in the process, but it's not normal. Usually it's done within the context of this timeline. Unless you have any other questions about that, I'll start moving through my process, or my presentation that I made and give you some history on the zoning areas of influence. I think we've already talked about what they are, and again, they are just a method to give some small cities some say in zoning cases that are within a certain area outside their city limits but close to their city limits.

“And we start back in 1958 when we finally adopted zoning, some zoning regulations here in the county, but we confined our zoning regulations to areas within a three-mile ring of certain cities, Wichita to begin with, and later on we added some zoning areas for Cheney, Derby, Goddard, Haysville, Mulvane and Valley Center. Again, those were county zoning regulations, but they only applied to areas outside those cities.

“In 1969, the legislature gave cities extraterritorial zoning jurisdiction, which allowed cities to exercise zoning jurisdiction outside their city limits not in conflict with county codes. So the cities

back in 1969 in the county, we had some that did adopt extraterritorial zoning jurisdiction within the three-mile area. In 1985, the county went to county wide zoning regulations. That removed the city's ability to have extraterritorial zoning regulations in place. In exchange for giving that up, as a compromise, the county, as part of their zoning code, created the zoning areas of influence for all the cities, except Wichita, Eastborough and Viola. Eastborough is surrounded by Wichita. Wichita has an impact on county zoning cases through their joint planning commission setup, so they didn't need a zoning area of influence and for some reason Viola never received a zoning area of influence. They may not have requested it.

“The other cities do have, since 1985, a set area of influence. They are allowed to provide comment on and recommendations on zoning cases in the unincorporated area. In 1992, we go to a unified zoning code with the City of Wichita. That again is still county-wide zoning, still has the zoning areas of influence. This is the new piece of information that we discovered in going through an old file.

“In 1994, actually, the planning commission initiated a case to amend the Zoning Code to remove the unanimous vote requirement. They felt it was too [inaudible] at that time. Planning staff made a recommendation to follow that process and to get rid of the unanimous vote requirement. It was a 12-1 vote, I believe, at the planning commission meeting to recommend that the County Commission remove the zoning areas of influence. When it came over here, the County Commission, after hearing from some small cities, five members of the County Commission voted to override the recommendation of the planning commission and planning staff and instead keep the unanimous vote requirements. So, that was [19]94 when that happened. 2007 the zoning areas of influence were revised because they are static. They are set by a map that you adopt as part of your process and then they have to come back to you to change those zoning areas of influence so they were updated in 2007.

“In 2012 some members of the planning commission initiated a request for the MAPC to have a workshop on this topic to see if some action needed to be taken. They did have that workshop. They heard from small cities, they heard from planning staff, and after all that, the planning commission decided to take no further action. So it was left there. That pretty much brings us up to date on that. The other new information I had is we have been able to go through our files, and I can give you some shorthand statistics. In the last five years, we have had actually 86 total zoning cases in the unincorporated area that includes zone changes, conditional uses, planned unit developments and community unit plans. Of those 86 cases, 34 fell within zoning areas of influence, and again those are marked on the map. If you wanted to look closer at those, you could see 19 of those 34 cases were what I would consider to be less intensive type uses.

“The bulk of those were accessory apartments, which, generally, are not controversial, except for some minor situations. We did also have some utility conditional uses that I think would typically not be seen as too controversial. One institutional zone change or conditional use for a church. The

other 15 cases were; however, of some greater intensity probably generate some interest by the City, and some interest in commenting on whether it was appropriate for the growth area. Those include commercial industrial reclassifications, mining or quarrying uses. Over the last five years we had four cities that ended up not having any zoning cases within their areas of influence, and I can give you those cities if that's important.

“I think that pretty much covers the background of the zoning areas of influence. I can answer any questions. But otherwise, the process that we are starting here, and we are just starting the process, this is the change to the zoning code, to the text of the zoning code, and that can only be initiated by two bodies, either the planning commission can initiate the process, or you can initiate the process. So all we are doing today is seeing if there are three Commissioners who want to move forward with starting the process to look at amending the zoning code. What will happen next, if a majority of the Commissioners want to initiate some process to start, is the planning staff will prepare a staff report, and make a staff recommendation as to what they think should be done. There will have to be a notice of the public hearing. It will be a public hearing held by the planning commission.

“Planning commission will have to consider testimony from anybody who is interested, and have their discussions about whether or not they believe they should make any recommendation to you regarding an amendment to the zoning code, and then it will come to you. Again, we are talking about a eight-week process probably. So at this point I can stand for questions. See if anybody has any other information they would like to have.”

Chairman Ranzau said, “Commissioner Howell.”

Commissioner Howell said, “Thank you, Mr. Chairman. Can you talk about the growth area if they are different than the zones of influence, whether or not the process is currently the same, and should the zones of influence policy change whether or not we would still follow that same process for the growth areas, or can you please speak to that issue a little bit?”

Mr. Parnacott, said, “Sure. Dave Miller might be better able to talk somewhat of that process. But the growth areas are what are projected for the small city as their pattern of growth over the next 20 years based on their infrastructure plans, based on their growth history, based on consultations with various people, I think it's worked out through the planning department. And the growth areas are not the same as the zoning areas of influence, as you can see on the map. I am not sure I am quite answering your question. Maybe Mr. Miller should come up and try to take a crack at it.”

Commissioner Howell said, “If I understand correctly right now, whether it is in the growth area or zone of influential, right now, one boundary is greater than the other. So the zones of influence are the largest boundary and then we have the red area on the map, which is the growth area which is smaller and inside the zones of influence. So right now I think the process is identical, whether it's

anywhere in that zone of influence, you would have the same process currently. Whether it is a growth area or not a growth area, it doesn't really matter."

Mr. Parnacott said, "Right. Inside or outside the growth area, if it is inside the zone of influence boundary, it goes through small city planning commission review."

Commissioner Howell said, "So what's being proposed right now if we were to eliminate the zones of influence down the road, not this moment, but if that was the end result of what we are discussing today, is it perceivable that the growth areas would continue to follow the same process that's followed today, potentially, or is that something that would be also eliminated?"

Mr. Parnacott said, "No, we are not anticipating making any change to the process we use for creating and setting the small city growth areas. All we would be doing under the recommended action is to make a direction to the planning commission to initiate the process of considering whether to completely eliminate zoning areas of influence. That would remove the review by the small city plan commission of any zoning cases in the unincorporated area outside city limits. Cities would still have their small city growth areas, and would be able to have those changed as they see fit.

Commissioner Howell said, "As far as the process goes, they wouldn't necessarily have a requirement to meet and develop a position, an official small city planning commission position for those projects or ideas that happens within the growth area. In other words, that would no longer be necessary a requirement for that project to move forward."

Mr. Parnacott said, "There would be no requirement. They would still have the opportunity to come to the planning commission public hearing and provide testimony or comments."

Commissioner Howell said, "Alright, thank you. That's all my questions, Mr. Chairman."

Chairman Ranzau said, "At this point I want to ask if there's anyone from the public who would like to speak on this issue?"

Mr. Galyon, said, "Mr. Chairman, I am with the [Wichita Area] Builders Association (WABA). As you can imagine, this issue will get some discussion, and rightfully so. One thing I want to share with you is some concerns that we have as an industry, as all of you know, we have been through a pretty horrendous downturn in our economy; it's affected not only the housing industry, but business in general. It seems to me like as we look at a draft, an update of the comprehensive plan that is now in effect for Wichita and Sedgwick County and we talk about what the desires of the public are, both in the city and county, and what the limitations are on revenues available to accomplish certain things, and we look forward, down the road, and we estimate what the growth is going to be, which is pretty minimal. Frankly, in terms of what we would like to see it be in relation to efforts to create

more jobs, job opportunities and what have you, it seems to us like when we talk about the area working together, city, county, the whole county and other counties abutting cities in it, we all talk about working together for economic development. And I think this is an opportunity to say, okay, let's talk about everything that could affect whether a person looks at this area, or what area, or whatever else a small city, unincorporated area of the county, Wichita, whatever, in relation to communicating what you said earlier, that we want to make sure we are open for business and communicating that any way we can. I am not suggesting that the small city should be abandoned in terms of consideration of their interest and what type of influence they think they want to have and so on and so forth.

“But I do think if you look at the maps, what you have in some cases, you have zoning areas of influence that are fairly small in relation to the growth plan of the city, and the city limits of the city, and others are quite huge. I think we ought to take a look at it and open it up for discussion. At this point I am not going to suggest any definitive things that should be recommended from our standpoint. We will do that at the appropriate time for the planning commission or whatever else. I think this does deserve discussion, and we would support you moving forward, opening this issue up so it can be more fully discussed.”

Chairman Ranzau said, “Thank you, Wes. Anyone else like to speak on this issue?”

Mr. Peaster said, “I have a problem with this. The city even having control over particularly my, because I live outside of Bentley. And they have an area of influence, and I am within that area of influence. But yet I can't run for the city council. I can go to their meetings and have a voice, but I have no vote. As far as I am concerned, it's the city of Bentley and I am going to do something on my property that's still in their area of influence, they can come to the MAPC and do the same thing I have to do if I present a proposal to the MAPC to change some zoning on my property.

“I don't think that I should have to go to the city of Bentley first. So I am in favor of this going to the MAPC. I will also be there to speak on the issue. I would like to see it done away with. Thank you.”

Chairman Ranzau, said, “Thank you, sir. Next?”

Mr. Kent Hixson, City Administrator, Mulvane, greeted the Commissioners and said, “Good morning. Thank you for allowing me to visit. I have some remarks I want to read. The current system of a public hearing at the planning commission and another one at the MAPC is a good way to give local, effective people a chance to hear about and to weigh in on proposed development. The current system protects the public and gives them more say. It also protects the County Commissioners by ensuring that they have both sides of the issue before you vote on it.

“The most members of MAPC know very little about the local customs, development patterns and the economies of the many cities in Sedgwick County. They should appreciate hearing from local Planning Commissioners. Most developers should want to communicate directly with local communities to ensure they build strong relationships and their proposals fit into the community. All cities promote growth and development, the wisdom of local planning commissioners who are volunteers and city planning staff should help develop and make better plans that fit their communities. This system has worked for 30 years. Why now? What is the reason for change? Has there been a problem?”

“Finally, eliminating the review by local planning commissions makes it more difficult for people to be involved and risks that the County Commissioner only hears one side of the issue. Why would a County Commissioner want to reduce public input into the decisions? Thank you.”

Chairman Ranzau said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Hixson, I would like to throw out a question if I may. I think there is a little over 600 municipalities in the State of Kansas. Is that roughly in the ballpark?”

Mr. Hixson said, “It’s good enough for me, yes.”

Commissioner Peterjohn said, “Okay. I am curious; do you know of other, any other 104 counties, are there any other counties that have set up a similar system where the cities have the ability, this sort of zones of influence structure in place?”

Mr. Hixson said, “I am not familiar with what other counties do in that regard.”

Commissioner Peterjohn said, “Thank you very much.”

Chairman Ranzau said, “Anyone else like to speak?”

Ms. Kathy Sexton, City Manager, Derby, greeted the Commissioners and said, “Thank you for the opportunity. I echo what Kent said. I kind of also echo what Wes said, because what I heard Wes say, let's have a conversation. I think this is an issue bothering people, let's have a conversation. I think the item before you today is very confrontational. It doesn't say let's have a conversation. It says let's eliminate something that's worked pretty well for 30 years in most cases. It is rarely used, but when it is used, it is important to the people in those communities. Just the terminology some of us are using today is confrontational, and disrespectful, to be honest with you. You have out of that 600 and some cities in the state, you have some of the largest and fastest growing in this community, and everyone is calling them small cities. Maize and Goddard are the fastest growing communities in the state.”

“Derby, the 18th largest out of the 626 cities. Eighteenth largest. And we are acting like it is some little city that doesn't matter, and it shouldn't matter what planning commissioners. These are volunteers, they meet every month. Ours meets twice a month. They deal with development issues and neighbors and they want to help. I mean, everybody wants development and growth, right? Every city is for economic development. This isn't about slowing down developers, or not working with them. It's about working with them. So if it's important to you all to open this up, I say open it up. But don't put it out there as we want to eliminate this because it's the only county in the state that does it, or what have you. I believe, and I am sure that Bob could correct me; I believe many of the counties have the three miles around the city still, per the state law. So that is different for our county, because our county has Metropolitan Area Planning Commission (MAPC) that serves Wichita.

“And it serves the unincorporated county, we all don't have that, as cities. We all still have our own Planning Commissioners and our own planning processes. So it is a hybrid system. I think it's worked pretty well. If there are tweaks to be made, let's talk about them. Just having this today, I appreciate Commissioner Jim Howell for letting me know about this a couple weeks ago, otherwise I had no idea this was discussed, and apparently a public meeting, but one that was not on television, or minutes taken, and no staff, nor other Commissioners notified cities, yet four cities are here today because we are hearing rumors of what's going on down at the County. And the way this is written up is confrontational. So if we can have a discussion where we can plan fully and discuss and do intergovernmental communication and regional planning, that would be great. Thank you very much.”

Chairman Ranzau said, “Commissioner Howell.”

Commissioner Howell said, “Thank you, Mr. Chairman. I want to I guess make a point that using the term small cities is not a term I created. I think that's the term that's been generally used to describe the non-Wichita planning commissions across the county. It is not really intended to be a negative term. I understand these cities are high growth areas, and some of the fastest growing cities in the state. So I did meet with Kathy, and one of the City Council members in Derby, and we discussed this. I think I will articulate some of my conclusions from that conversation later in this process this morning, but I just want to make sure we are not intending to be offensive in any way. I hope that's not the message this morning, with the terms of the conclusion of where this might go, the word elimination I think is just the process, the word we have to use I guess to initiate the discussion. I plan on this being a discussion.

“I don't think anybody has a pre-determined position at this point where this might lead. I would like to just say that if I support this motion today, or support the resolution today, this is really just, hopefully, getting a discussion moving forward. Thank you, Mr. Chairman.”

Chairman Ranzau said, “Commissioner Norton.”

Commissioner Norton said, “I have reviewed this for many years and had conversations and I am certainly not anti-development, as Mayor of Haysville, I worked hard to kick the regulations out of the way, tried to figure out how to make inspections quicker, and we grew pretty rapidly right after my tenure, during my tenure and right after. Probably if we hadn't had a tornado, it would have grown even faster. I do have a problem with the language today. I agree with Kathy Sexton that remove is a pretty tough word. If I had my preference, and I have told staff this, as we went through this, the word revisit really sets the stage, I think, for the conversation. I think we should have that conversation.

“As I look at the map, and I really know what some cities of the third class will do, and I won't call them small cities, I will call them cities of the third class, that's how they are ranked, they have a three-mile zone of influence, may not be right, but if you look at some of the faster growing ones, and the larger ones that have some kind of a zone influence, make sure that there's really good eyes on where the development goes, what it is, so it doesn't impede more development in the future. I have to tell you, if you all of a sudden allow a lesser use 50 feet from the city borders, and then somebody wants to come in and put something that's really valuable in that same area, yet that lesser use is right there, because we just allow it, we hurt ourselves for the future.

“So we have to really think through this. And the small cities, other elected officials, appointed officials need to be in that conversation. We are very Wichita-centric on the MAPC. Any way you slice it. I have worked hard over the years to try to appoint people from unincorporated areas, and small cities so there's a different voice on the MAPC. But we tend to be very Wichita-centric. Did they have the best interests for Colwich, or Cheney or Valley Center or Derby, or Haysville?

“Well, maybe they do, or maybe they don't. And to have that ability for the second and third-class and even first-class cities that are not Wichita to have a voice, look through it, and to see if it really affects their growth plans, their development plans, how they want their city to grow, I think is very important. So as its worded today, I will not support this. And I hope Wes Galyon and the builders don't take offense to that, because I support what they do. But I think the idea that we just say remove and get rid of it almost leads me to the conclusion we have pre-decided what we want to do. And if we have, so be it. But I am not going to vote for that today.

“But I would vote for revisit. I would vote that we sit down, collaborate, talk about it, try to understand it, and what is the best future for the county. The state statute grants the cities of the second and third-class that influence, but because we have county-wide zoning, it changes the dynamic. And some County Commissioners years ago decided they would abdicate a little bit and let the state statute stand for the cities of the second and third-class, so that they would have some influence. And I think that's probably good policy.

“Now, is three miles the right number? In some cases I don't think it is. I will state that right now. But in some cases it may be important to keep that so that we don't affect, in a negative way, the future growth and good development of all the cities in our influence. We want Wichita to grow. And we want jobs, and we want big commercial projects. We want small business projects out of the county, and we want good residential growth. But we could really mess that up if we make bad decisions on the fringes of the small towns. And I want to be sure that I am not a part of that.

“So I would go along with the language of revisit, but the word remove really turns me off, shuts me down, and says even though I am pro-development, I think we are going the wrong direction. That's all I have.”

Chairman Ranzau said, “Anyone else from the public like to speak on this issue? Seeing none, we will move back to the bench. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. I wanted to amplify on some of the remarks I heard earlier, because I tried to lay out a lot of people out there don't understand when you start talking about cities of the second-class, third-class, first-class, what you are talking about exactly, and how you move from one category to another. And it can be confusing. You can have a city of less than 5,000 people that can move into the second-class category under the right circumstances, even if they haven't met the statutory requirement of 5,000 people. It can be a little bit confusing. I try to avoid using words like small cities, and in my view, every community and governmental body in our county, whether we are talking about municipalities, operating under their own charter, regardless of which class they are in, or the townships that underlie them before they move into the municipal category. I looked at this issues and I found it very interesting, in terms of getting discussion going.

“This is frankly an area where government, I think it at all levels struggles, because I see it looking at city administrators who are out in the audience today, who have an interest in what we are discussing. They are basically in a position where they are saying hey, we would like more information on what's going on. How would this affect us? That's what I hear from citizens. Citizens contact me and say now wait a minute, I'm not in an incorporated area, why would that city be in a position to tell me what to do? We have a very involved, very complicated process, and I would certainly like to get a public discussion going to see if there's ways to make this process more transparent, more clear, more understandable. Hopefully reduce the regulatory times for getting approvals, because at some point in the future I am hopeful that we are going to be able to get out of the economic doldrums that have been in place for many years because of the policies coming down from the national level.

“We need to set the groundwork and be prepared, so I am interested in exploring if there is a way we can improve this process and see what options might be available and not lock ourselves into what we have had in the past. I appreciate everybody who came down here and everyone who spoke

with an interest on this issue, and I hope you will continue to have your voices heard if the majority of this commission decides to go forward and approve this, whether we call it a revisit or whatever, or removal, and I would like to hear from the folks in the private sector. By having this public discussion today, we are going to kick off that discussion, and I am going to be listening very attentively. Thank you, Mr. Chairman.”

Chairman Ranzau said, “Thank you.”

Mr. Parnacott said, “Commissioners, if I could interject, I want to apologize for use of the term small cities. Certainly there was no disrespect intended. That's probably just a shorthand way of saying the correct terminology as you recognized, is cities of the second-class and cities of the third-class. I will certainly have the map reflect that appropriate terminology, if we use this map going forward.”

Chairman Ranzau said, “Bob, I want to just clarify a couple things. Normally by state statute there is no county zoning; cities have the three-mile area that they can zone?”

Mr. Parnacott said, “Yes.”

Chairman Ranzau said, “Once you have county wide-zoning, that goes away?”

Mr. Parnacott said, “Yes.”

Chairman Ranzau said, “By statute.”

Mr. Parnacott said, “Yes.”

Chairman Ranzau said, “The area of influence is not specifically created by any state statute?”

Mr. Parnacott said, “That is solely a creation of our zoning code created by the county initially when they first had county-wide zoning, so, yes, it is strictly us.”

Chairman Ranzau said, “I've heard different stories. Where the ideas of zoning of influence come from, was it the cities or a planner?”

Mr. Parnacott said, “Before my time. I have to tell you. We are dealing with 1985, and I just don't have the history.”

Chairman Ranzau said, “Okay. Now, what happens, talk a little bit about, I don't know if Dale is the best guy to talk about, when you do have a zoning area of influence, a developer, let's say a

homeowner wants to do something, zoning area of influence requires an open meeting with the smaller city planning commission, right? In addition to MAPC.”

Mr. Miller said, “If an application for conditional use, Planned Unit Development (PUD), Community Unit Plan (CUP) or Zone Change is filed inside of one of the identified zoning areas of influences, then by code that city's planning commission has to be given the opportunity to hear and make a recommendation on that request prior to the Metropolitan Area Planning Commission hearing it.

“Once they have made the request, or made their recommendation, then it would go to the planning commission, and in the case of a zone change, or a conditional use that had protests, then it would come onto the County Commission to be heard. But yes, if it is any one of those kind of cases inside the zoning area of influence of any of the cities in the county that have the zoning area of influence, by code their planning commission has to hear it first.”

Chairman Ranzau said, “Okay. Does that delay sometimes, then the MAPC?”

Mr. Miller said, “It depends. As you know the Metropolitan Area Planning Commission meets twice a month. So we have filing deadlines that basically run every other week. Most of the cities in Sedgwick county, except in Derby and Haysville, they only meet once a month, or as required. Derby and Haysville have two regularly scheduled meetings a month, so if it was one of the cities that only meets once a month, if we happen to have the application deadline that just fell after they met, then they would be held up, but whatever time period it takes to get to their next meeting.”

Chairman Ranzau said, “Does the applicant generally go to that additional planning commission meeting?”

Mr. Miller said, “Yes.”

Chairman Ranzau said, “Make their case at that one as well.”

Mr. Miller said, “Yes.”

Chairman Ranzau said, “In addition. And any representation they have would show up at that as well.”

Mr. Miller said, “Staff goes to those meetings, the applicant is encouraged to attend the meeting. They function very much like the Metropolitan Area Planning Commission, just the city planning commission, they make their recommendation, then we report that to MAPC, and then ultimately on to you, if you end up hearing the case.”

Chairman Ranzau said, "Okay. So end up having to do it twice. You do the same thing as the MAPC."

Mr. Miller said, "Yes."

Chairman Ranzau said, "Are cities welcome to testify at the MAPC hearing?"

Mr. Miller said, "Certainly. It is a public meeting, so anybody can attend and make comments, but we specifically report the action of the city with the zoning area of influence recommendation as part of the staff report."

Chairman Ranzau said, "If we were to at some point eliminate the zoning area of influence, would that prevent these cities from hearing these cases on their own and issuing an opinion and giving it to you guys, testifying as the MAPC?"

Mr. Miller said, "It wouldn't prevent them, the main difference would be now, if there is a case within their zoning area of influence, we immediately call them and let them know, find out what their schedule is, work that schedule out so that the applicant and staff and they know when the case would be coming. If there was no zoning area of influence and the notification area didn't fall within anything that the city actually owned, then the city as an entity would not be notified, only the property owners within that thousand feet. Now on occasion in the past, we have done courtesy notices to a number of the cities, but absent a direction, the original city wouldn't know about it directly unless they happen to own property within the thousand foot notice area."

Chairman Ranzau said, "We could continue to give those courtesy notices."

Mr. Miller said, "Certainly."

Chairman Ranzau said, "Certainly. I think that helps clarify a lot of things. I am going to be supportive of this item today. I think it does cause us to revisit and have a discussion, just like people are asking. You can pick away the exact wording, I don't think that's helpful or necessary, but this will go before the MAPC, and everybody will have a voice and get to discuss this, and see what happens. Some people say, we have heard it here today, that this has worked great. I guess it depends on your perspective. For the little guy, it often doesn't work great. That's who I am concerned about, the little guy. And the regulations that they have to deal with. We had a citizen testify this doesn't work for him. He doesn't think the city that he doesn't even live in should be able to have the control it does over him under the zoning area of influence. Isn't it correct that the city opposes that, votes no to oppose a project outside their city, then it takes five votes to move forward?"

Mr. Miller said, "That's correct."

Chairman Ranzau said, “So that doesn't work for the little guy. And, you know, we talk about businesses, and entrepreneurs talk about the regulatory process being a burden. I don't think it's helpful for the little guy to have to go through the process twice. The reason the statute is set up for those three-mile areas of influence to go away when you have county zoning is because then you have a process that everybody can go to, you have one process, everybody has a voice. Moving forward on this does not take away the ability of small cities to have a voice on this, other planning commissions can have a voice, and say what they want to say.

“That won't change at all. That will still be there. But it helps the applicant not have to do this twice. The time, the cost, all that frustration that goes with it, from their perspective. I know it works for some of the cities, but what about the businesses? What about the little guy that has to put up with this stuff? It can be frustrating just the MAPC process itself can be intimidating for the small guys who have never gone through that. Okay?

“I have experienced that with someone in my district. Going through two planning commissions, one of which doesn't have jurisdiction over them, if they don't understand it, it doesn't make sense, it is really unnecessary. I think this is probably an old and outdated process that really isn't needed. But that being said, that's just my opinion. We will go through the process, have a discussion, and see what the MAPC does. I think this is certainly one aspect of the regulatory process, here locally, that we can take a look at and try and streamline a little bit, but still need everyone's concerns. I believe that's entirely possible.

“That being said, as I said, I will be supportive. We will see what happens as we move forward with the discussion. I don't know, Commissioners, if you have any other discussion. Commissioner Howell.”

Commissioner Howell said, “Thank you, Mr. Chairman. I have been surprised at the subject matter that comes before this Board, and I probably wouldn't have chosen this to be on our agenda necessarily. But here it is before us today, so I have got to weigh in at some point and make an opinion what we should do. I have been studying this for a few weeks now. I did take the initiative to contact Kathy Sexton, Mulvane, with Kent Hixson and I apologize for not contacting you directly, but I am glad you were aware of this and able to speak to this today. I look forward to working with you on issues going forward. Anyway, I would like to summarize some of the points that I was able to hone in on a little bit during the discussions with different people. One of the points I would make is, we want to make sure the cities with zones of influence have a voice in the process.

“I think that's really important to let them have that voice, make sure they have the opportunity to weigh in on things that are important to those cities. I think that zones of influence is a regimented mandate that makes that happen. I think that with the numbers you gave us, Bob, out of the 86

cases that were dealt with, only 15 of those were considered somewhat controversial. That's over the last five-year period, that's about three per year. Someone said to me, well, if it is just a few times a year, why do you need to change the process? I would say if it's three times a year, why would you even need to have the process? I could see both sides of that argument, so in making sure that the cities zones of influence are recognized in the process, I guess I would encourage the, maybe another process down the road, of course, a lot of discussion will happen between now and the end of the discussion where we finally walk away from this issue.

“But I would encourage that the policy, if any issue falls within the three mile radius of any cities, they are given a courtesy notification. That's something I am not sure MAPC will talk about and make those recommendations. I think that would be a reasonable way to show respect to these cities and make sure they are aware of what's going on around them. And then in an effort to streamline the process, it does seem overly bureaucratic, especially if the majority of these are considered non-controversial, it might be reasonable for these cities to say, we don't anticipate there's any opposition to this, we feel this is very routine and we don't have any opinion. I think that ought to be a default position, rather than a regimented process, we ought to have a default position that says if we don't speak up, it is assumed we are okay with it. We have been notified and we didn't respond. So again, I think that streamlines the process overall.

“If they want to have a hearing and be heard, it would be up to them I think to initiate the processes to do that. I would encourage the smaller cities, second and third-class, to have the responsibility to start the process of having a local hearing and hearing from their people around the issue, and to develop an official opinion, so it could be presented to the MAPC. And, again, if they don't do that, I hate to see that slow up the process, considering the majority of these and that nature. So I do think there is streamlining, some streamlining that can be done here, that is very positive. It is a way for us to work together on economic development to not make this more difficult than it has to be. So I think that having a regimented process, where you have to do certain things, is not as good as one that allows for the voice as needed, but not necessarily require it in every case.

“I notice that the zones of influence around these cities are very inconsistent. Some cities it's almost five miles, some cities it's very small. I am looking at Bel Aire. They basically have no zone of influence outside the growth area. Derby has a small area. Other cities have almost five miles, so very inconsistent. Again, I would like to encourage MAPC to consider a radius around the cities to make sure we do the courtesy notifications.

“And couple other notes here I want to talk about. Real quickly, let me review my notes real quickly. Considering we are the only county in the State of Kansas, out of 105 counties, this is the only one that operates the way we do. I think that ought to drive us towards any sort of discussion. Should this be approved today, I think it ought to be a discussion. I don't think this is pre-determined what is going to happen down the road. I think that maybe some modification of what happens in the

process is possible, but I don't anticipate this being any more than a discussion, at least moving forward from today, where this ends up, I guess we will see.

"I think I have one more point I wanted to make real quickly. Yes. I mentioned there are two issues, one is making sure the cities have a voice in the process, and that they are notified. Those are two very important aspects being maintained. There is actually a third one. The third one actually deals with the word home rule. Ultimately, I think giving the city an opportunity to direct what happens around them, I think we ought to take into consideration their opinion, I don't know that I want to give up the home rule. So, I think that the issue of a unanimous vote to actually control the issues before the County Commission I think really is the number one issue that is going to be a matter of discussion and probably the most controversial issue going forward. So I think there is a way to make sure the cities are notified and have a voice in the process. That, to me, is very simple and as long as it is a parallel effort, I think it is certainly very doable, regardless of zones of influence. But I think the issue of home rule is really what this is all about. So looking forward to the discussion that will happen in the weeks to come. I think that really is the issue. So right now, I think I am supportive of creating this discussion, so I would probably be willing to support the motion should there be one. Thank you, Mr. Chairman."

Chairman Ranzau said, "Mr. Peterjohn?"

Commissioner Peterjohn said, "I wanted to second a lot of the remarks I heard from Commissioner Howell, in terms of I get nervous whenever there is a requirement of a unanimous vote, historically unanimous votes in legislative bodies have been problematic. We won't go into the historic details, if anybody wants to go into that, I would be happy to visit with them after the meeting. But looking at the map, I was struck by the same thing that Commissioner Howell mentioned.

"We have got some areas where you are talking about long distance away from where the current boundaries or even the growth areas happen to be. And then in other areas, there is no zone of influence if you exclude the growth area. I think it is a discussion well worth having. That's why I am going to be supporting the motion this morning. Thank you, Mr. Chairman."

MOTION

Chairman Ranzau moved to initiate application to remove Zoning Areas of Influence provisions from the Wichita-Sedgwick County Unified Zoning Code.

Commissioner Peterjohn seconded the motion.

Chairman Ranzau said, "Commissioner Howell?"

Commissioner Howell said, “Thank you, Mr. Chairman. I just have one more comment I just remembered. I guess in the efforts of streamlining this, you know, it is required right now, that the county and staff makes a presentation to the zone of influence cities, planning commission, and to me, that's a burden of government that, if it's considered not necessary if the city wants to have that presentation as a third recommendation to MAPC, I think they ought to have the opportunity to request that briefing, but not necessarily mandate that it has to happen. Again, trying to reduce the size and scope of government, I think that's a third point I would like to make, by going in this direction and potentially have the benefit of reducing size and scope of government. Thank you, Mr. Chairman.”

Chairman Ranzau said, “Call the vote, please.”

VOTE

Commissioner Unruh	Absent
Commissioner Norton	No
Commissioner Howell	Aye
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

Chairman Ranzau said, “Motion passes 3-1. Next item, please.”



July 8, 2015

Sedgwick County/City of Wichita
Metropolitan Area Planning Commission
455 N. Main St., 10th Floor
Wichita, KS 67202
ATTN: Matt Goulsby, Chairman

RE: Case No. DER 2015-00005 - Proposed Amendment to Unified Zoning Code
to Eliminate Zoning Area of Influence Authority

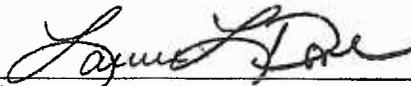
Dear Chairman Goulsby:

The Valley Center, Kansas City Council discussed on July 7, 2015, the proposed change to the zoning ordinance of the Uniform Code proposed by the Sedgwick County Commission eliminating the Zoning Area of Influence Authority currently provided for in the Code since 1985. It is the belief of a majority of the Council, determined by a vote, that the Code should not be amended to delete this protection.

The current system of a public hearing before a City's Planning Commission and one before the MAPC insures local, affected citizens are given a chance to be heard on a proposed development. In addition, it promotes enhanced communication between the local Planning Commissions and the MAPC as a means of understanding local customs, development patterns and economies facilitating more informed planning decisions. .

As the County memo also notes, the MAPC sees "little value to be gained by its elimination." The Valley Center, Kansas, Council sees the value to an affected city, as also noted in the County's memo, of "an early notice to a city that development is planned in an area that the City may currently serve or is likely to serve, and may serve to facilitate the planning for and the delivery of services . . . "

Again, the City Council of Valley Center, Kansas, recommends denial of this proposed amendment.



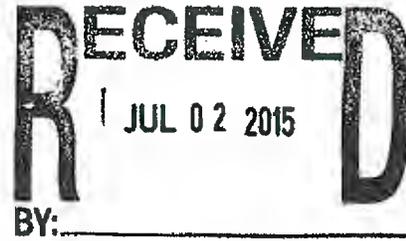
Laurie Dove, Mayor
Valley Center, Kansas

Cc: VC City Council
VC Planning Commission



For a day, a week, a lifetime.

6110 North Hydraulic
Park City, KS 67219-2499
Tel 316-744-2026
Fax 316-744-3865



July 1, 2015

Mr. Matt Goolsby, Chairman
Wichita-Sedgwick County
Planning Commission
455 N. Main, 10th Floor
Wichita, KS 67202

Re: Zoning Area of Influence

Dear Mr. Goolsby:

It has been brought to our attention there has been a movement towards doing away with the *Zoning Area of Influence* for Cities in Sedgwick County. We also understand you will be holding a hearing to discuss this matter later next month.

The City of Park City Governing Body unanimously opposes getting rid of the Zoning Area of Influence for the following reasons:

- It provides a means for cooperation between County and City planners.
- It allows other cities to view areas that another city might view as an area that they feel might be in their natural growth area.
- It protects property owners against poor zoning on either side of a city limit.
- It gives a city an opportunity to let their views to be known adjacent to its city limits, both to MAPC, and the Board of County Commissioners.
- The Board of County Commissioners still have the final say on zoning.

Please share my letter with other Board members.

Yours truly;

PARK CITY, KANSAS

Ray Mann, Mayor

CC: Chairman Bill Johnson of the Advance Plans Committee
John Schlegel, Director of MAPD
Commissioner Richard Ranzau



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

DATE: July 23, 2015

TO: Metropolitan Area Planning Commission

FROM: Dave Barber AICP, Advanced Plans Manager

SUBJECT: DER2015-00001: Proposed Adoption of the Final Draft Community Investments Plan 2015-2035 as the New Comprehensive Plan for Wichita-Sedgwick County

Background: In 2011, the City of Wichita and Sedgwick County initiated a process to develop the Community Investments Plan to replace the current joint City and County Comprehensive Plan which dates back to 1993. A more current and relevant plan is needed to provide a policy framework and set priorities to guide future public investments out to the year 2035 in municipal buildings and infrastructure (e.g. libraries, public safety buildings, streets, bridges, parks, water supply, sanitary and storm sewer, culture, and recreation, etc.).

In 2012, the City and County partnered with WSU to undertake a comprehensive assessment of all City and County infrastructure and facilities. A Plan Steering Committee was also jointly appointed by the Wichita and Sedgwick County Managers in late 2012 to begin the development of a new comprehensive plan. Seven of the 18-member Steering Committee are also members of the MAPC. Over the last year and a half, the Steering Committee developed and evaluated three possible long-term growth scenarios for Wichita. Following an extensive community engagement process in 2014, a preferred growth scenario was selected by the Committee to serve as the basis for the development of the plan policies.

On January 22, 2015, the MAPC received a briefing and update on the development of the working draft plan. In March 2015, the Steering Committee released the draft *Community Investments Plan 2015-2035* for public review and feedback. The Planning Department organized four public open house events and provided over 40 presentations (April through June) to receive public comment on the draft Plan. Feedback was also received through the *Activate Wichita* website. The Steering Committee met on June 24, 2015 to finalize changes to the draft Plan based upon feedback received from the community engagement process and three workshops held with the Wichita City Council.

The final draft *Community Investments Plan 2015-2035* dated July 1, 2015 is recommended to the MAPC by the Plan Steering Committee for adoption as the new joint comprehensive plan for Wichita-Sedgwick County. It is a high-level policy plan that provides guidance for future Wichita growth, sets overall community investment priorities, and provides a decision-making framework to guide future public infrastructure investment decisions.

On July 16th, the Advance Plans Committee passed a motion recommending that the MAPC set a public hearing date to consider the proposed adoption of the final draft *Community Investments Plan 2015-2035* as the new Comprehensive Plan for Wichita-Sedgwick County.

Recommended Action: Set a public hearing date for August 20, 2015 to consider the proposed adoption of the final draft Community Investments Plan 2015-2035 as the new Comprehensive Plan for Wichita-Sedgwick County.

Attachments: This link will provide electronic access to the attachments listed below:

<http://www.wichita.gov/Government/Departments/Planning/Pages/Comprehensive.aspx>

1. Final Draft *Community Investments Plan 2015-2035* dated July 1, 2015
2. *Community Investments Plan Appendix* dated July 1, 2015