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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA
Thursday, August 20, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, August 20, 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: *July 9, 2015*

2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS
Items may be taken in one motion unless there are questions or comments.

2-1. SUB2015-00003: Final Plat – MID-CONTINENT AIRPORT 8TH ADDITION, located on the northeast corner of Tyler Road and K-42 Highway.

Committee Action: ***APPROVED 5-0***
Surveyor: ***Baughman Company, P.A.***
Acreage: ***77.83***
Total Lots: ***2***

2-2. SUB2015-00022: Final Plat – ESTANCIA (formerly The Valencia Addition) ADDITION, located on the east side of Ridge Road, between K-96 Highway and 37th Street North.

Committee Action: ***APPROVED 4-0-1 (D.Foster abstained)***
Surveyor: ***MKEC Engineering Inc***
Acreage: ***72.63***
Total Lots: ***173***

2-3. SUB2015-00024: One-Step Final Plat – STEINKE 2ND ADDITION, located west of 151st Street West, on the south side of 47th Street South.

Committee Action: ***APPROVED 5-0***
Surveyor: ***Ruggles & Bohm, P.A.***
Acreage: ***10.18***
Total Lots: ***2***

2-4. SUB2015-00025: One-Step Final Plat – WEBB ROAD TOWNHOME ADDITION, located south of 45th Street North on the west side of Webb Road.

Committee Action: ***APPROVED 5-0***
Surveyor: ***K.E. Miller Engineering, P.A.***
Acreage: ***8.71***
Total Lots: ***37***

2-5. **SUB2015-00026: Final Plat – ESTANCIA COMMERCIAL ADDITION,** located on the east side of Ridge Road, between 37th Street North and K-96 Highway.

Committee Action: ***APPROVED 4-0-1 (D.Foster abstained)***
Surveyor: ***MKEC Engineering Inc***
Acreage: ***41.62***
Total Lots: ***13***

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. **VAC2015-00028: City request to vacate a portion of a platted setback and an easement dedicated by separate instrument on property,** located on the northeast corner 21st Street North and Maize Road.

Committee Action: ***APPROVED 4-0***

3-2. **VAC2015-00029: City request to vacate a drainage easement dedicated by separate instrument on property,** generally located on Hoover Court, west of Hoover Avenue (1831 S. Hoover Ct.).

Committee Action: ***APPROVED 4-0***

3-3. **VAC2015-00030: City request to vacate a portion of platted complete access control on property,** generally located south of 21st Street North, on the west side of Rock Road and south of North Rock Road Court (1821 N. Rock Rd.).

Committee Action: ***APPROVED 3-1 (L.Richardson NO)***

3-4. **VAC2015-00031: County request to vacate portions of platted floodway reserves on property,** generally located west of 127th Street East on the south side of 37th Street North.

Committee Action: ***APPROVED 5-0***

3-5. **VAC2015-00032: City request to vacate easements dedicated by separate instruments on property,** generally located north of Kellogg- 1-35, on the east side of 127th Street East, and east of Douglas Avenue.

Committee Action: ***APPROVED 5-0***

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: CON2015-00024
Request: City Conditional Use request for a group residence, limited, on MF-29 Multi-Family Residential zoned property.
General Location: North of 14th Street North on the east side of Hillside Avenue.
Presenting Planner: Bill Longnecker

5.	Case No.:	ZON2015-00026 (Deferred from 7-23-2015)
	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
6.	Case No.:	ZON2015-00031
	Request:	City zone change request from SF-5 Single-family Residential to NR Neighborhood Retail.
	General Location:	West of Ridge Road, at the northwest corner of Brunswick Street and Maple Street (7324 W. Maple St.)
	Presenting Planner:	Bill Longnecker
7.	Case No.:	CUP2015-00023
	Request:	Minor Amendment to CUP DP-37 to allow for a hotel use and to increase allowable square footage from 34,242 square feet to 50,000 square feet on Parcel 14.
	General Location:	South of University Avenue and East of Emerson.
	Presenting Planner:	Dale Miller
8.	Case No.:	DER2015-00001
	Request:	Public hearing to consider adoption of the Final Draft Community Investments Plan 2015-2035 as the new Wichita-Sedgwick County Comprehensive Plan, and as supplemented by current elements adopted by amendment to the existing comprehensive plan.
	General Location:	City and County-wide
	Presenting Planner:	Dave Barber

NON-PUBLIC HEARING ITEMS

9. Other Matters/Adjournment

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

July 9, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, July 9, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby; Chair; Carol Neugent, Vice Chair; John Dailey; David Dennis; David Foster (Out @3:12 p.m.); Bill Johnson; Joe Johnson; Don Klausmeyer; Debra Miller Stevens; M.S. Mitchell; Bill Ramsey; Lowell E. Richardson and Chuck Warren. John McKay Jr. was absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the May 21, 2015 meeting minutes.

MOTION: To approve the May 21, 2015 Planning Commission minutes.

DENNIS moved, **RAMSEY** seconded the motion, and it carried (11-0-2).
J. JOHNSON and **MILLER STEVENS** – Abstained

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2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

2-1. SUB2015-00005: One-Sept 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 plattor's text as follows: "The contingent dedication shall become effective if the City of Wichita determines a need for such dedication."

I. The joint access easement and contingent dedication shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.

J. Language in the plattor's text regarding the proposed joint driveway and contingent street dedication benefiting Lots 2 and 3, Block A of Slade's First Subdivision should be removed, as future developments would also benefit from a future public street.

K. City Stormwater Management has approved the drainage plan.

L. Access controls need denoted on the face of the plat as referenced in the plattor's text.

M. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

N. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

O. The plattor's text shall include reference to "a lot and a block" in the owner's certificate.

P. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.

Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

DRAFT

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).

There were no public comments.

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

RAMSEY moved, **B. JOHNSON** seconded the motion, and it carried (13-0).

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

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

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that a sewer extension is required to serve Lots 1-9. Lot 10 owes sewer lateral fees. A sewer main fee is due for all lots and reserves. A water extension is needed for Lot 1. Water distribution (all lots) and transmission (all lots and reserves) fees are due. Sewer easements will be required.

B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

C. City Stormwater Management has approved the drainage plan.

D. Traffic Engineering has requested a guarantee for right-turn deceleration lanes on Maize Road and for left turn lanes on 29th Street North, including the extension of drainage structures as needed for safety on Maize Road.

E. Traffic Engineering has approved the access controls. The plat denotes two openings along Maize Road and seven openings along 29th Street North including one rights-in/out opening.

F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.

G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

I. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.

J. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.

K. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.

L. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

DRAFT

M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

N. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.

O. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

P. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

Q. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

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

U. Westar Energy advises that Richard Aitken is the Area Construction Services Rep for this plat and can be reached at 316-261-6734. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

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

There were no public comments.

DRAFT

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

RAMSEY moved, **B. JOHNSON** seconded the motion, and it carried (13-0).

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3. PUBLIC HEARING – VACATION ITEMS

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

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

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

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

REASON FOR REQUEST: Future development

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

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

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

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described platted alley and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

(1) Dedicate a 20-foot wide utility-drainage easement by separate instrument (with original signatures) for the length of the platted vacated alley, prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

(2) Provide restrictive covenants (with original signatures) binding and tying the vacated described alley right-of-way to the abutting properties. These will go with the Vacation Order to City Council for final action and subsequent recording with the Register of Deeds and the Appraiser's Office.

(3) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(4) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all and franchise utilities. All provided prior to the vacation case going to City Council for final action.

(5) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Dedicate a 20-foot wide utility-drainage easement by separate instrument (with original signatures) for the length of the platted vacated alley, prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

(2) Provide restrictive covenants (with original signatures) binding and tying the vacated described alley right-of-way to the abutting properties. These will go with the Vacation Order to City Council for final action and subsequent recording with the Register of Deeds and the Appraiser's Office.

(3) Provide a legal description of the vacated alley ROW, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(4) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all and franchise utilities. All provided prior to the vacation case going to City Council for final action.

(5) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.

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

There were no public comments.

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

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (13-0).

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

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

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

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

REASON FOR REQUEST: Future development

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

The applicant is requesting the vacation of all of the undeveloped 9.5-acre Woodvale Addition plat, except for Lot 1, Block B & Lot 11, Block A; both of these lots have single-family residence located on them. The current Woodvale Addition is a remnant of the original plat, which was recorded with the Register of Deeds August 15, 1953. Approximately ¾ of the south portion of the plat was vacated in 1996; D-1996-1, Film 1592, Page 256,

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

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

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

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described plat and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

(1) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County/City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to County Commission for final action.

(2) Provide, as needed, dedication of easements by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to County Commission for final action.

(3) Provide a legal description of the vacated plat, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(4) All improvements shall be according to County and City Standards and at the applicants' expense.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County/City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to County Commission for final action.

(2) Provide, as needed, dedication of easements by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to County Commission for final action.

(3) Provide a legal description of the vacated plat, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

(4) All improvements shall be according to County and City Standards and at the applicants' expense.

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

DRAFT

There were no public comments.

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

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (13-0).

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

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

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

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

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

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

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

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

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the plattor's text to amend the uses allowed in the described platted reserves and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

(1) Vacate the plattor's text to amend the uses allowed in Reserves A and B, New Market Office 2nd Addition. The uses permitted will be for the construction and maintenance of drainage, lakes, landscaping, sidewalks, utilities confined to easements, open space, recreation and signage as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.

(2) As needed provide easements for public utilities, including fire hydrants, a water line and water valves. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.

(3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.

(4) All improvements shall be according to City Standards and at the applicants' expense.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Vacate the plattor's text to amend the uses allowed in Reserves A and B, New Market Office 2nd Addition. The uses permitted will be for the construction and maintenance of drainage, lakes, landscaping, sidewalks, utilities confined to easements, open space, recreation and signage as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.

(2) As needed provide easements for public utilities, including fire hydrants, a water line and water valves. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.

(3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.

(4) All improvements shall be according to City Standards and at the applicants' expense.

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

There were no public comments.

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

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (13-0).

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

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

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

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

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

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

The applicant proposes to vacate the east-west platted sidewalk easement running parallel to most of the north property line of Lot 1, Union Station Addition. It appears that the north most portion of the original Union Station Addition became part of the Douglas Avenue right-of-way, which reduced the size of the sidewalk easement. There is sidewalk located within the Douglas Avenue right-of-way that runs parallel to the subject easement; the vacation request will not impact the existing sidewalk. The vacation is associated with CON2015-00017, a Conditional Use for an outdoor nightclub in the city.

Public Works has water and stormwater lines, valves, nodes and conduit (running north-south) located in a north-south platted utility easement located within the subject easement. Westar has utilities in the Douglas Avenue right-of-way; Shane Price, Supervisor, Construction Services is the representative for this area and can be contacted at 261-6315. The Union Station Addition was recorded with the Register of Deeds March 2, 1982.

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

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

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2015, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portion of the platted sidewalk easement and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

(1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.

(3) Provide a legal description of the vacated side walk easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

DRAFT

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

(1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.

(3) Provide a legal description of the vacated side walk easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.

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

There were no public comments.

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

J. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (13-0).

PUBLIC HEARINGS

4. **Case No.: CON2015-00015** (deferred from 5-21-15) - Armando Michel (applicant/owner) Ted Knopp (agent) request a City Conditional Use request for a nightclub on LI Limited Industrial zoned property on property described as:

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

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

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

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

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

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

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

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

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

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is a mix of LI, GC, and B zoned commercial, limited industrial and residential (mostly single-family) uses. A LI zoned steel products facility and storage yard is located north and northwest of the site, across Elm Street, and is the largest development in the area. Since the previous request for a nightclub at this site, CON2004-00042, the most recent development in the area appears to remain the 2003 investment into Washington Elementary School. Improvements in the surrounding housing (built 1910-1920) appears to be minimal resulting in a small B, GC and LI zoned deteriorating residential neighborhood that could be absorbed by surrounding commercial and industrial uses in the future.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently vacant and zoned LI which can accommodate office, retail, commercial and industrial land uses. Because the proposed night club is located within 300 feet of a church and B zoned single-family residences consideration of a Conditional Use is required.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Currently the sale of alcoholic beverages is prohibited on this site. Approval of this request would allow for unlimited liquor sales, which could have detrimental impacts on the surrounding residences, considering their proximity to the proposed nightclub and associated parking.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide Map of the Comprehensive Plan" identifies the portion of the site where the building is located as appropriate for "local commercial" development and most of the parking area as appropriate for "employment/industrial" development. Local commercial development does not have a significant regional draw that generates a high volume traffic. The range of uses include medical or insurance offices, auto repair and service stations, grocery stores, restaurants and personal service facilities.

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

   The site is located within the "McAdams Neighborhood Revitalization Plan," which shows the portion of the site fronting Central Avenue as suitable for 'general retail' and the parking area as 'general industrial/warehousing.' The site's LI zoning is less restrictive the Plan's general retail

designation but is a match for the Plan's general industrial/warehousing designation. The proposed nightclub fits into either of the Plan's use designations with consideration of a Conditional Use.

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

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

BILL LONGNECKER, Planning Staff presented the Staff Report. He reported that at the July 6, 2015 DAB I meeting there was quite a bit of dialogue regarding impact of a nightclub in the City and a special events center serving alcohol and food with live entertainment and music. The DAB concluded that the event center would be more of a nuisance than benefit in the neighborhood and recommended denial of the application by a vote of 6-3.

RICHARDSON said there was some confusion regarding a part of the building on Central being or not being part of the nightclub (the address was1322 Central). He also requested clarification that none of the parking has access to an arterial street.

LONGNECKER said that was true about the parking not having access to an arterial street. He referred to the aerial and mentioned that the applicant owned other spaces in the strip; however, the nightclub will only occupy some of the area. He said parking will have to address not only the nightclub but also some type of retail space. He said staff was unable to determine the exact number of parking spaces required at this time and will be working with the applicant to nail that down. He said the Fire Department did not want to put an occupancy number on the nightclub until the use was determined and the occupancy will dictate parking requirements.

RICHARDSON asked then the case as presented would allow all of the building to be used as a nightclub if there was sufficient parking.

LONGNECKER said the nightclub would only include those buildings on the site plan, but it could include all of the buildings.

RICHARDSON clarified that parking for a nightclub was one space for every two people. He also asked about any screening requirements for the parking.

LONGNECKER said that calculation on the parking was correct. He added that occupancy will be limited to what parking the site could support. He mentioned the case history and the problems with the previous conditional use at this site. He said the neighbors and DAB expressed the same concerns regarding parking. He said the applicant will have to provide solid screening and landscaping between the parking and SF-5 zoning to the west. He said there is no screening requirement where the property abuts LI.

RICHARDSON asked about the calls received by staff on the application.

LONGNECKER commented that only two of the support letters provided by the applicant were from property owners located within the area. He said one protest was from a property owner who owned multiple properties in the area. He said a neighborhood association, church and surrounding neighbors protested the application at the DAB meeting. He said until formal (written) protests are received, staff will not be able to determine if the protests are within or outside the designated protest area.

TED KNOPP, 7117 E. CHELSEA, AGENT FOR THE APPLICANT, EL VAQAUERO FAMILY AND FRIENDS, LLC, (ARMANDO MICHEL, JUANA GILLIS AND JORGE ROJAS) said they are looking at having an event center with broader capabilities. He mentioned that one of the applicants wants to gather with other Mexicans to enjoy food and music and said there is usually alcohol involved at these gatherings. He said the event center will host staged events on the weekends and evenings including quinceaneras, weddings, graduations, family reunions, etc. He said they would also like to have a Mexican luncheon buffet during the noon hour. He said on the nights where there are no reservations, they would like to have live music of some sort.

KNOPP said there are mixed uses in the neighborhood and mentioned a former beautify shop along Cleveland. He said there is also a tee shirt shop that is made available to local artists and students from WSU to learn graphic design and tee shirt production. He said the applicant tried to run a tee shirt shop that was not very successful, so the space has been made available as a community resource for local artists. He said the applicant is willing to agree to any restrictions that are consistent with the intended use as a community center. He said they agree to limit the use to the part of the building shown on the site plan and cut off alcohol sales at midnight.

KNOPP mentioned the letters of support obtained by the applicant from members of the Hispanic community and others. He said the applicant has secured additional land for parking and referred to the aerial of the area where the applicant has purchased additional land. He said the applicant was surprised at the opposition received at the DAB meeting. He said one of the objections was noise and that the north door was open and music was spilling out onto the parking lot. He said they are working on an entrance on the Central side of the building and that they intend to close off the north door other than for emergency access. He said other neighbors and the neighborhood association said as long as alcohol is involved they didn't want anything to do with the application. He said one DAB members asked about the new BYOB law effective July 1, 2015 and whether that would impact the application. He referred to a copy of the Senate House Bill 2223 provided to the Planning Commission as a handout. He said his response to the neighbors concern is with the passage of this bill, there can probably be alcohol at any event. He said with the full regulations of a nightclub and the need for a liquor license, the applicant can control consumption of alcohol on the premises much better. He said by obtaining a liquor license, the applicant consents to the WPD entering the premises at any time.

KNOPP requested an additional three minutes to finish his presentation.

WARREN suggested that if the applicant needed an additional three minutes, that the Commission hear from the audience and then extend the applicant's rebuttal time. It was the general consensus of the Commission that was acceptable.

PASTOR JOHN REDDICK, 1510 E. 9TH STREET said he is Pastor of the church located at 956 N. Mathewson. He said parking is an issue and a pedestrian has been hit at the location crossing the street. He said the parking lots, that are grass and dirt, get filled up. He said the neighborhood has had problems in the past with private nightclubs and mentioned that a woman was murdered in the area. He said they do not support alcohol period and they do not want nightclubs in their neighborhood. He said he believes a lot of the information provided is misleading and referred to page 3 of the Staff Report where he said it mentions baptisms, weddings, etc. but there is no mention of a nightclub. He said the tee shirt shop is never open. He said they are trying to change the neighborhood to a nice livable place and a nightclub is not suitable.

JANET REDDICK, 1510 E. 9TH STREET, PRESIDENT, MCADAMS NEIGHBORHOOD ASSOCIATION said they are fighting a battle to get clubs out of their neighborhood. She said the tee shirt shop has never been open. She said when she informed the owner about the woman being hit by a car, he told her she was a black lady and she didn't belong there. She said the woman couldn't see to cross the street because the cars are lined up along the street. She said this location is not suitable for a nightclub. She said they are trying to turn this into a decent neighborhood and they need things like commercial stores and restaurants. She said they want clubs out of their neighborhood.

ALLISON SHELLMAN, 624 N. CLEVELAND said she has lived in the area for 24 years and owns another house at 530 N. Indiana that directly abuts the club's parking lot that she and her family are getting ready to move into. She said they have issues with people parking on their lot. She also mentioned that the woman who was hit was not African American but was a lady that was attending an event at the club. She said the parking is horrendous and the noise, which they hear on a regular basis even on the next block, is obnoxious. She said there also seems to be a lot of young children at these events that no one seems to monitoring because they are running all over the neighborhood. She said she is surprised they haven't been hit by a car. She said the support letters provided say nothing about a nightclub, and all the support letters come from business owners, she didn't see any letters from residential property owners who will be there after 5:00 p.m. She said the applicant already hold events there; there is already alcohol there so it is already a nuisance for the people living nearby. She said adding a nightclub will only make matters worse. She mentioned other clubs that used to be in the neighborhood and what a nightmare it was for the neighbors with drunken people knocking on their door at midnight on a regular basis. In addition, she said WPD was out there all the time. She said she doesn't see where this is going to be any different. She requested that they take this nightclub to Old Town instead of where she lives.

MATTHEW CLAGG, 427 N. OLIVER said he was present to represent the arts and creative community and, in particular, the all ages music community. He said access to live music for anyone under 21 is severely limited because the bars and clubs downtown have an age restriction. He mentioned hosting ICT Fest starting in 2004 to serve younger bands including high school level and below. He said hearing a broad diversity of music at an early age helps children develop their artistic

and creative abilities. He said the applicant has opened up the space to them. He said previously they have had to use parking lots, warehouses, art studios, etc., but they would like to hold the festival at this location this year. He said bands would get to play at this venue that would not be able to play anywhere else and get exposure to large crowds.

CLAGG concluded by mentioning that any screen printing shop doesn't normally operate as a storefront. He said they take orders, manufacture the tee shirts and deliver them. He said the screen printing and embroidery equipment is another huge asset to the creative community. He said artists and bands can make their own merchandise. He said he does not believe this will be a downtown nightclub where people will be drinking until 2:00 a.m., but a place for the community to gather and celebrate events with music and creative arts. He asked the Commission to support that.

_____**3020 N. FAIRVIEW** said she lives across the street from Cortez Mexican Restaurant. She said since that was turned into a nightclub, none of the residents have had any incidents. She said there is a little noise when her windows are open. She said she also represents a community of resident artists from local high schools and WSU who use the tee shirt shop space for workshops where they create all kinds of art. She said the applicant has allowed them to use the building for that. She said this building looked really bad and the applicant did an amazing job fixing it up inside. She said if he fixes the building the way he intends to, it will beautify the neighborhood. She concluded by saying that the applicant lets artists use this venue who could not afford to go anywhere else.

RAYMOND SHELLMAN, 624 N. CLEVELAND asked that the Commission deny the applicants request for a nightclub in a residential neighborhood. He said this neighborhood is predominantly residential; there is an elementary school three blocks away. He said there are some businesses to the west; however, they are closed at 5:00 or 6:00 p.m. and are not open during the hours the applicant wants to be open so he doesn't feel like this impacts them, but it will impact the residents in the area. He said traffic is a problem along Cleveland and this will aggravate that. He said they don't feel comfortable with their children and others playing in their own front yards. He said when they have events at the venue; traffic comes down the street in a procession. He mentioned crime statistics and that nightclubs and bars increase crime and violent crime. He said they don't believe fencing or screening will help that. He said noise is currently a problem and they get woken up at 1:00 – 2:00 a.m. on a regular basis. He said he and his wife own property adjacent to the parking lot and said statistics show that most of the problems at bars and nightclubs happens in the parking lot. He said he would rather not have that directly behind the house he is going to move into. He asked if the applicant would want a nightclub or bar across from his residence. He mentioned problems they have had with clubs in the area in the past and how the WPD canvassed the neighborhood to try to get people to complain so the clubs would be shut down. He said if the applicant moved 4-5 blocks to the southwest, they would be in Old Town which would be a perfect environment for what he wants to do.

CHAIR GOOLSBY asked staff for clarification that in order to have live music, the applicant has to apply for a conditional use permit for a nightclub.

MILLER said also if alcohol is being served, that is correct.

MOTION: To give the applicant five minutes rebuttal time.

WARREN moved, **B. JOHNSON** seconded the motion, and it carried (13-0).

FOSTER explained that the applicant can speak within the rebuttal period.

KNOPP commented that four people spoke in opposition. He said two of them were married and two of them objected to alcohol of any kind. He said they have moved into a house that is zoned LI and then are asking the Commission to protect the quality of their neighborhood. He said the applicant has lots of support from people who would like to see this happen. He said this is a commercial building that has struggled to find a productive use located on Central Avenue not Elm or Indiana. He said there is no limitation on the number of cars that can park on a public street. He said this can be a vibrant development that enhances and creates opportunities for that block. He said he sees very limited opposition but great public support for the project. He said submitting to the full regulations as a nightclub allows for this operation to be supervised and monitored; and, if there is a problem, to be shut down just as the former clubs in the area. He said if this is subject to lower regulation, it may be harder to address concerns of the neighborhood. He said Mr. Michel and his partners want this to be a nice, family-oriented venture and would be open to any reasonable restrictions to implement their plans. He concluded by saying that in an LI area, fronting Central with lots of parking it seems unreasonable to deny a proposed use that is consistent with the UZC.

ARMANDO MICHEL, 6014 W. 34TH STREET said the person who hit the lady crossing the street had nothing to do with any event at the location. He said as far as the noise is concerned, once they have the door open in the front, they will close the back door to reduce noise.

MICHEL mentioned that he was an electrical engineer from Mexico who came to the United States in 1997 and worked as a gasoline engineer, traveling all over the county and living in San Antonio for nine years. He said Hispanics work hard and they like big getting togethers. He said he believes they deserve a place to get together. He said he bought the property in 2010 and has made improvements over the last five years working with his own money. He said this will be a family oriented business.

RICHARDSON asked if the applicant planned on using the southeast corner of Elm and Cleveland for parking to increase the size of the club.

KNOPP responded no, that there were practical limitations against doing that including that it is not zoned properly.

RICHARDSON asked staff if the property could be used for parking for the club.

LONGNECKER said it would require a conditional use permit because it is currently zoned B Multi-family Residential.

RICHARDSON asked about alcohol sales stopping at midnight and how the new law impacts that.

KNOPP said all alcohol will have to stop being served at midnight.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY said House Bill 2223 does not preempt the City Ordinance regarding this issue. He said currently no BYOB is allowed under City Ordinance. He added that a revised Ordinance is being prepared to go to the City Council in early August. He said the language in the bill is a bit vague. He said this State Statue currently is not effective within the City limits of Wichita.

KNOPP apologized and said he didn't mean to misrepresent anything. He said one of the ways to avoid that liberalization was to put the applicant under the complete control of the City rules and regulations that apply to nightclubs.

DENNIS asked if the applicant was willing to add a stipulation to stop serving alcohol at midnight or earlier on week days.

KNOPP said he didn't have a response to that.

DENNIS commented that the conditional use permit goes with the property, and he is concerned that if for some reason this enterprise goes out of business and someone else takes it over, then it is officially a nightclub. He said he was thinking about how they could make this happen, but put limitations on it so it is not as attractive to someone else to run as a nightclub.

KNOPP asked if he could confer with his client.

Responding to a question, **MILLER** clarified that a conditional use permit runs with the land.

RICHARDSON asked for clarification that they would close at midnight or limit alcohol sales until midnight.

KNOPP said they plan on cessation of alcohol sales at midnight.

WARREN clarified that the applicant would be willing to put the condition of closing the back entrance and using it only for emergencies as a way to reduce noise in writing as part of the conditions of approval.

KNOPP responded yes.

WARREN asked about limiting hours of operation. He said he likes that idea.

J. JOHNSON asked about required parking on site and the capacity of the building.

KNOPP explained that they don't have that number yet. He said Mr. Michel has bought property in the area to accommodate parking.

RICHARDSON asked how occupancy was determined.

LONGNECKER explained that building occupancy is established by the Fire Marshall and parking requirements will be determined by that occupancy. In addition, he mentioned that there are two other store fronts that hopefully at some point will be occupied. He said on-site parking will have to accommodate those store fronts also.

J. JOHNSON asked about leasing parking.

LONGNECKER said you can lease parking within 600 feet of the establishment.

DRAFT

RICHARDSON asked if the Fire Department says the building has a larger capacity than there is parking, does that limit the capacity of the nightclub to whatever the parking will support. He said from what staff is saying, this sounds like a circular argument.

LONGNECKER said the applicant could remedy the parking issue with a variance or administrative adjustment.

DAILEY asked about City laws regarding noise and loud music.

MILLER said the City has a Noise Ordinance that prescribes various decibel levels based on the zoning district and uses. He said someone would have to complain and then City staff would go out and check the ambient noise level.

DENNIS asked for clarification of the site plan. He asked what happens if the applicant wants to expand.

LONGNECKER said they would have to come back to this body and DAB and request an amendment to the site plan.

RICHARDSON asked about closing at 11:00 p.m. during the week and midnight on weekends.

KNOPP said the applicant will agree to stop serving alcohol at 11:00 p.m. Monday – Thursday and midnight on weekends.

RICHARDSON asked about closing the building at midnight on the weekends.

KNOPP said if they close the building at midnight, they will have to stop serving alcohol earlier.

RICHARDSON said you can also order three drinks at midnight and stay for another two hours. He said the only way to limit this, in his opinion, was to close the doors at midnight and disburse the crowd. Otherwise people will be there until 2:00 a.m. in the morning.

KNOPP said the applicant is willing to close the doors at midnight even though it might be problematic.

VANZANDT mentioned that the applicant will have to obtain a license and the license states that they can operate until 2:00 a.m. in the morning. He said he does not know if the conditional use limitation will override the provision provided by the City license.

GOOLSBY said it has worked with other venues and the Planning Commission has done this before.

> **MOTION:** To approve subject to staff recommendation, abating noise by creating an emergency exit only on the back of the property, hours of operation to 11:00 p.m. Sunday – Thursday and 12:30 p.m. on Friday and Saturday and stopping all alcohol sales at midnight on the weekends.
>
> **WARREN** moved, **B. JOHNSON** seconded the motion.

DRAFT

FOSTER clarified that there is no access to arterials from the parking lot. He asked staff to briefly review the parking issue.

LONGNECKER briefly explained that none of parking lot has access to an arterial. He said the Fire Marshall was not willing to give an occupancy number until definition of the use has been established. He the way the Staff Report is worded, occupancy will determine how much parking is going to be needed. He said if occupancy exceeds available parking, the applicant can acquire other parking spaces on other properties or request an administrative adjustment or variance to reduce the parking requirement.

MILLER STEVENS clarified that without the conditional use the applicant can continue to operate as a restaurant and event center; the conditional use allows the sale of alcohol.

LONGNECKER said the conditional use for the event center would allow alcohol sales, music and dancing.

GOOLSBY clarified and that is what makes it a nightclub. He said just because it is defined as a nightclub; doesn't necessarily make it a nightclub.

LONGNECKER mentioned that the applicant did not offer any restrictions on the hours and days it was going to operate. He said the applicant was asked about closing at midnight at the DAB meeting, but declined to do that at that time.

The **MOTION** carried (11-2). **FOSTER** and **MILLER STEVENS** – No.

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5. **Case No.: ZON2015-00021** – Carillo Cearapio (owner) requests a City zone change request from B Multi-family Residential to LI Limited Industrial on property described as:

   Lots 37-39 North Park Addition

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

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

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

ADJACENT ZONING AND LAND USE:
NORTH: LI storage of construction materials
SOUTH: LI steel fabrication
WEST: TF-3 Single-family residential

EAST: LI BNSF elevated railroad, active tracks

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

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

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

This recommendation is based on the following findings:

(1) **The zoning, uses and character of the neighborhood:** The property to the north and south of the subject site is zoned LI and is being used for steel fabrication and construction warehousing. There is no other residential use in the 1500 block of North Santa Fe.

(2) **The suitability of the subject property for the uses to which it has been restricted:** The B-Multi-Family zoning district is an obsolete use for this location. The 1400, 1500 and 1600 blocks along North Santa Fe are more than 50% transitioned to industrial/warehousing.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The request would not significantly impact the immediate area, as LI uses already abut the residential sites located to the west of the site along the entire block.

(4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The approval of the zone change to LI would not allow the property to be used for residential purposes. The current B Multi-Family zoning does not allow for any use other than residential to be redeveloped. Approval of the request would limit development by right to those enumerated in the Unified Zoning Code (UZC) which includes commercial, manufacturing, fabrication, outdoor storage and some institutional uses such as a parks, schools and churches.

(5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The zone change to LI conforms to the identified land use in the 2030 Comprehensive Plan.

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

KATHY MORGAN, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

B. JOHNSON moved, **KLAUSMEYER** seconded the motion, and it carried (13-0).

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6. **Case No.: ZON2015-00022** - Basem Krichati (owner and Craig Harms (Agent) request a City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

PARCEL 1: A tract of land in the E/2 of the NE/4 of Section 29, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the West line of said E/2 of the NE/4, distant thereon 1323.75 feet South of the North line of Government Lot 1; thence East 659.25 feet for the true point of beginning, running thence East 659.25 feet, more or less, to the East line of said NE/4; thence North 330.25 feet; thence West 658.69 feet; thence South to beginning; Except the North 30 feet for road.

PARCEL 2: A tract in the NE/4 of Section 29, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of Government Lot 3 of the NE/4 of Section 29, said point of beginning being on the West line of the E/2 of said NE/4; thence North along said West line 330.655 feet; thence East parallel to the North line of said NE/4 658.69 feet; thence South parallel to said West line 330.655 feet, more or less, to the South line of said Government Lot 3; thence West along said South line 659.25 feet, more or less, to the point of beginning, except the North 30 feet thereof for road purposes.

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

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

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

This recommendation is based on the following findings:

(7) **The zoning, uses and character of the neighborhood:** The site is located in a predominately SF-5 zoned single-family residential neighborhood. SF-5 zoned single-family residences (built in the late 1950s and 2005-2012) surround the site.

(8) **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.

(9) **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.

(10) **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.

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

(12) 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.

KATHY MORGAN, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

B. JOHNSON moved, **KLAUSMEYER** seconded the motion, and it carried (13-0).

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7. **Case No.: ZON2015-00023** - Carl Hebert (owner/applicant) request a City zone change request from LC Limited Commercial to CBD Central Business District on property described as:

Lot 20, Chicago now Douglas Avenue, West Wichita Addition, Sedgwick County, Kansas.

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

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

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

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

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

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

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

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

This recommendation is based on the following findings:

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

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

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

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. LC zoning is generally compatible with the "local commercial" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

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

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

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

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

BILL LONGNECKER, Planning Staff presented the Staff Report.

RICHARDSON said he doesn't know what the Delano Overlay calls for in terms of parking. He asked where the CBD zoning was located.

LONGNECKER briefly reviewed CBD zoning in the area. He said the Delano Overlay District did not address the lack of parking in the area. He said lack of parking for previous CBD cases for redevelopment were handled as variances.

RICHARDSON clarified that this was triggered by a change in use.

LONGNECKER said the applicant didn't want to get caught out on parking if the types of businesses changed.

RICHARDSON asked if staff has looked at the issue because it appears to him that everyone up and down the street has the same problem; lack of parking. He asked shouldn't that be addressed proactively instead of one case at a time. He said eventually won't everything become CBD zoned.

MILLER said at the time the Delano Overlay Plan was approved there was no interest in setting up a parking district like Old Town where property owners pay in and the City provides the parking.

DIRECTOR SCHLEGEL said that probably won't change until business owners in Delano want to discuss that. He said there doesn't seem to be a demand for that discussion at this time.

DRAFT

MOTION: To approve subject to staff recommendation.

WARREN moved, **RAMSEY** seconded the motion, and it carried (13-0).

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8. **Case No.: CON2015-00021** - City of Wichita (owner/applicant), Brad Teeter, SPT Architecture (agent) request a City Conditional Use to permit a government service on property described as:

A tract of land beginning 40 feet South of the Northwest corner of the Southeast quarter of the Southwest quarter of Section 24, Township 27, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South 225 feet; thence East 385 feet; thence North 225 feet; thence West 385 feet to the point of beginning.

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

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

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

ADJACENT ZONING AND LAND USE:

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

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

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

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

(1) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning in compliance with an approved site plan.

(2) Development and maintenance of the site shall be in conformance with the approved site plan.

This recommendation is based on the following findings:

(1) The zoning, uses and character of the neighborhood: The City subject site is surrounded by GC and open space. The architecture of the existing 1945 building is compatible with surrounding structures.

(2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5. The site would continue to have economic value with the Conditional Use. SF-5 zoning permits governmental services with the approval of a Conditional Use by the Metropolitan Area Planning Commission.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: Use as a facilities maintenance operational location will not impact the nearby properties any more than the operations of the National Guard Armory did while in use.

(4) Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request could impose a hardship to the City in regard to providing sufficient space for the Department of Public Works Facilities Maintenance.

(5) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Park and Open Space category is compatible with Government Services use.

(6) Impact of the proposed development on community facilities: The public streets in the neighborhood, police and fire services, will not be noticeably impacted by the Government Services use.

KATHY MORGAN, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

B. JOHNSON moved, **KLAUSMEYER** seconded the motion, and it carried (13-0).

NON-PUBLIC HEARING ITEMS

9. Case No.: Capital Improvement Program (CIP) - Conformity of the proposed 2015-2024 City of Wichita Capital Improvement Program with the Wichita-Sedgwick County Comprehensive Plan.

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

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

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

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

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

SCOTT KNEBEL, Planning Staff presented the Staff Report. He said Planning Staff has reviewed the CIP and compared it to both the current CIP and the proposed Community Investments Plan and believes the proposed CIP is consistent with both of those comprehensive planning documents. He said staff is recommending that the Planning Commission make that finding.

MARK MANNING, FINANCE DEPARTMENT provided a PowerPoint presentation overview of the 2014-2024 Proposed Capital Improvements Program (CIP) as follows. He referred to a pie chart indicating funding sources for the $1,875,009,493 for the ten-year program including Federal Funds, State of Kansas, Special Assessments, Water Utility, Sewer Utility, Airport, Local Sales Tax and GO at-large.

RICHARDSON asked how the County Sales Tax is split.

MANNING said based on State Statute, 50% of the Sales Tax is split by population of each City within the County and the other 50% is split based on the taxing effort of every City in the County. He said the City of Wichita is about 75% of the County; however, because they do not levy that much in taxes it is a lot lower percentage at 58%.

The next pie chart depicted where City of Wichita CIP Dollars are spent including Freeways, Water, Arterials, Airport, Bridges, Park, Public Facilities Stormwater and Transit.

MANNING gave a brief rundown of the community engagement process including meetings with various advisory boards, DABs, Advance Plans Committee and a workshop presented to the City on

March 24, 2015 that was available on streaming on the City WEB page. He said they plan on returning to City Council within the next month.

MANNING explained that the CIP was developed based on current City Council principles including keeping the current revenue structure (mill levy, ERU rate and water and sewer rates), conformance to comprehensive plan principles, priority areas and maintaining debt within bench mark levels, which he said was very important to our governing body.

MANNING focused on three themes from the Comprehensive Plan which were investment in quality of community life; take better care of what we have and provide for balanced growth, but focus on established areas.

MANNING reviewed funding areas including arterials, residential streets (existing streets and growth areas), freeways (Kellogg completion), downtown (street and building projects), public safety (equipment and buildings), economic development (WSU Innovation Campus and west street corridor) and park projects (playgrounds, paths, parks, new parks and aquatics improvements).

GOOLSBY asked if there was any funding allocated for the train at Watson Park.

MANNING responded yes.

MANNING said GO, LST and Water and Sewer debt levels will increase; however, they will still be within the benchmarks, which is very important to the governing body. He referred to a chart of GO at-large debt service/GO debt service capacity which showed the City was significantly below the benchmark. He referred to the policy questions slide which showed what the debt funding benchmark would if $20,000,000 more in projects was added. He said other policy questions staff asked the Council were was the balance right between growth and existing streets, did the Council want to reaffirm the schedule on the Advanced Learning Center, and what would branch libraries look like; and should funding be raised or lowered for bike/pedestrian and park improvements.

MANNING concluded by asking if there were any questions.

FOSTER mentioned updates and typographical errors on pages 34, 66, and 88.

RICHARDSON asked for clarification on the sales tax.

MANNING said there is a one cent County-wide sales tax but there is no City tax.

RICHARDSON asked if a portion was designated for highways.

MANNING said the City has designated 50% of their share of the sales tax for road, street and freeway improvements (50% of 58% or approximately 29%).

FOSTER (Out @3:12 p.m.)

J. JOHNSON asked how staff reconciles the $9,000,000 gap in the Comprehensive Plan with this CIP.

DRAFT

DIRECTOR SCHLEGEL said the principals set out in the Comprehensive Plan is how the gap will be closed. He explained that if staff were to compare the cost to try to satisfy all the demands for infrastructure, community facilities, costs to maintain what the city already has, and new projects over next 20 years to revenues that can reasonably be projected for capital costs over that same time period, you wind up with a $9,000,000 gap. He said it boils down to people are not willing to pay for those things they demand be built and kept in good repair. He said one of the reasons for the Comprehensive Plan is to identify that is an issue that the community has to face and figure out some ways to close that gap. He said this CIP is not going to solve that issue, but by trying to adhere to some of the guiding principles in the Comprehensive Plan, that will help close the gap over time.

MILLER STEVENS clarified that in conjunction with the Comprehensive Plan there will be an Annual Report. She said will that report attempt to demonstrate impact on that deficit.

DIRECTOR SCHLEGEL said staff has not settled on how the annual monitoring will be done. He added that the annual monitoring will help this Commission, as well as the City Council and County Commission better understand what is happening in terms of bringing the expectations of the community into better alignment with the resources the community is willing to provide for capital facilities.

MITCHELL remarked that 50% for services and debt is a better ratio than the City has had in the past.

> **MOTION:** That the proposed *2015-2024 City of Wichita Capital Improvement Program* is in conformity with the adopted Wichita-Sedgwick County Comprehensive Plan as amended.
>
> **DENNIS** moved, **MITCHELL** seconded the motion, and it carried (12-0).

DIRECTOR SCHLEGEL announced that this was his last Planning Commission meeting and that he will be retiring July 17. He said he would let City Manager Bob Layton make the announcement on who will be the Interim Director of Planning. He said he wanted to express his appreciation to the volunteer citizens of the community for the time and effort they put into their jobs as Planning Commissioners. He said this is a really important job the Planning Commissioners do in serving the community and he wanted to applaud them for that. He said he would put in a recommendation to both the City Council and County Commission that they double their pay. He said he hoped he had served them well as Secretary of the Planning Commission.

CHAIR GOOLSBY thanked Director Schlegel for all his years of service.

The Metropolitan Area Planning Commission adjourned at 3:17 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.

DRAFT

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: SUB2015-00003 – MID-CONTINENT AIRPORT 8TH ADDITION

OWNER/APPLICANT: Wichita Airport Authority, Attn: John Oswald, 2173 Air Cargo Road, Wichita, KS 67209; City of Wichita, Attn: John Philbrick, Property Management, 455 North Main, Wichita, KS 67202

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

LOCATION: Northeast corner of Tyler Road and K-42 Highway (District IV)

SITE SIZE: 77.83 acres

NUMBER OF LOTS

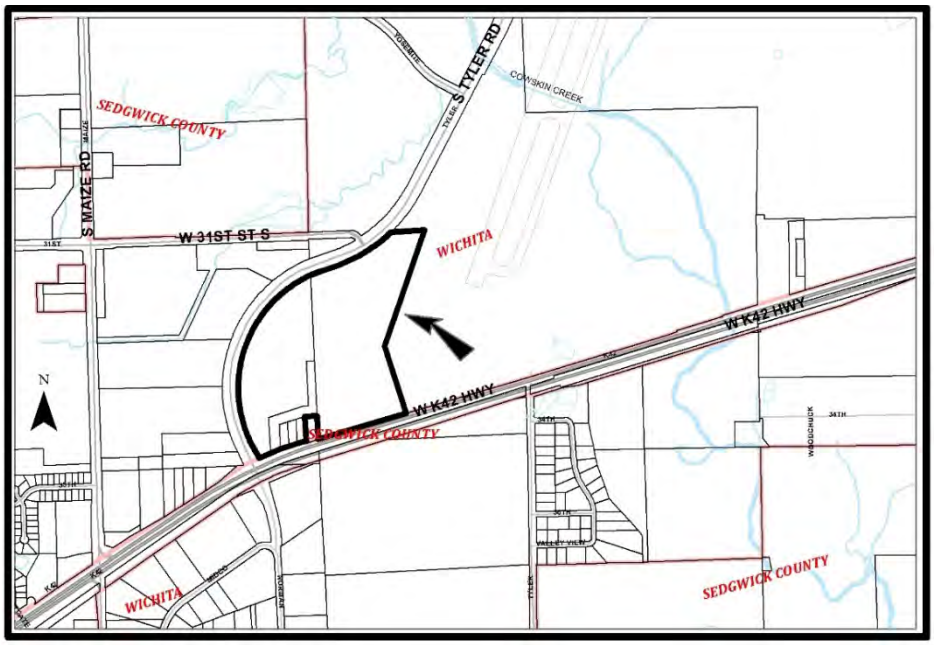
Residential:	
Office:	
Commercial:	
Industrial:	2
Total:	2

MINIMUM LOT AREA: 28.16 acres

CURRENT ZONING: Single-Family Residential (SF-5), Limited Industrial (LI)

PROPOSED ZONING: Limited Industrial (LI)

VICINITY MAP



NOTE: This is a replat of the Skyway Industrial Park 2nd Addition and the Mid-Continent Airport 6th Addition in addition to unplatted property. The site has been approved for a zone change (ZON2014-00013) from Single-Family Residential (SF-5) to Limited Industrial (LI) for the eastern portion of the site.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that the applicant needs to extend water (distribution) to Lots 1, 2 and Reserve C and D if needed. Water is available to Reserve A and B. The applicant needs to extend sanitary sewer (laterals) to serve all lots. In-lieu-of-assessment fees are due for water transmission. In-lieu-of-assessment fees are due for sewer mains for Lot 2 and Reserves C and D.

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 along Tyler Road "access control per City of Wichita Access Management Standards and the approval of the City Traffic Engineer". The plat also proposes complete access control along K-42 Highway.

E. 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.

F. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities. The restrictive covenant shall include language that the landowner will provide maintenance access ways to Reserves B, C and D upon any site development.

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. City Environmental Health Division advises that only domestic sewage and domestic gray water may drain into a septic system. Industrial and commercial properties must have a sewage holding tank or discharge to the City's sanitary sewer system.

I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

K. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.

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. 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).

METROPOLITAN AREA PLANNING COMMISSION **AGENDA ITEM NO. 2-2**
August 20, 2015

STAFF REPORT

CASE NUMBER: SUB2015-00022 – ESTANCIA ADDITION

OWNER/APPLICANT: Tier 1, LLC, Attn: Marv Schellenberg, 7926 West 21st Street, Wichita, KS 67205

SURVEYOR/AGENT: MKEC Engineering, Inc, Attn: Brian Lindebak, 411 North Webb Road, Wichita, KS 67206

LOCATION: East of Ridge Road, on the north side of 37th Street North (District V)

SITE SIZE: 72.63 acres

NUMBER OF LOTS

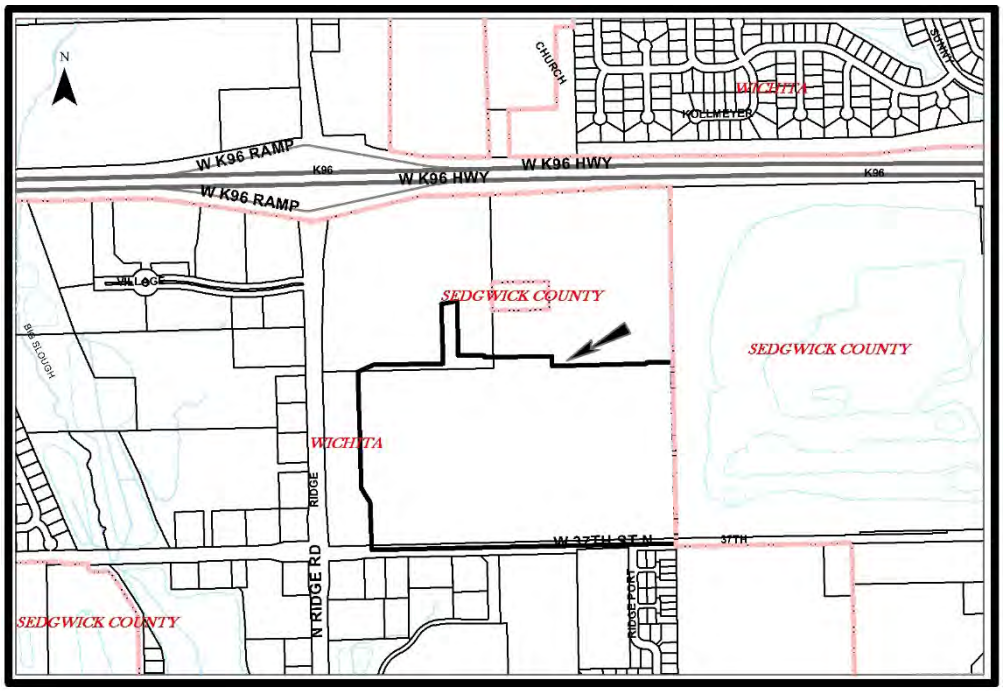
Residential:	173
Office:	
Commercial:	
Industrial:	
Total:	173

MINIMUM LOT AREA: 6,231 square feet

CURRENT ZONING: Single-Family Residential (SF-5), Limited Commercial (LC)

PROPOSED ZONING: Single-Family Residential (SF-5)

VICINITY MAP



NOTE: This is a final portion of an overall preliminary plat approved for site (The Valencia Addition) and represents the first phase of residential development. The street layout and lot configuration is consistent with the preliminary plat. The site is currently zoned Single-Family Residential (SF-5) and Limited Commercial (LC). A zone change (ZON2015-00029) from Limited Commercial (LC) to Single-Family Residential (SF-5) has been approved by the MAPC for the southwest corner of the site.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department requests the extension of sanitary sewer (laterals) to serve all lots. Water (distribution) needs extended to serve all lots. In-lieu-of-assessments are due for water transmission. In-lieu-of-assessments are due for sewer mains. A utility site plan has been requested. If front-loaded sewer is not proposed, then the backyard utility easements along the reserves need to be increased to 20 feet.

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 final drainage plan.

D. Traffic Engineering has approved the access controls. The plat proposes one street opening and an emergency access opening along 37th Street North.

E. Since Reserves L and G includes a swimming pool, a site plan shall be submitted with the final plat for review by MAPD. The site plan shall include the information indicated in the Subdivision Regulations. The design for the pool must be submitted to Environmental Health Division for review prior to issuing a building permit for the pool.

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. City Fire Department has approved the street length of the southernmost Estancia Ct (over 1000 feet long) and the Estancia Ct to its north (about 985 feet long) subject to a modification approved by MAPC. The Subdivision Regulations limit urban cul-de-sacs to 800 feet in length. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

I. The cul-de-sac on Alameda Ct needs to be shown to meet the turning needs of the fire apparatus with the medians (Reserves I and J) proposed. The cul-de-sacs on the three Estancia Cts need to be shown to meet the turning needs of the fire apparatus with the medians (Reserves N, K and E) proposed.

J. City Fire Department advises that all cul-de-sacs on dead ends greater than 150 feet need to meet the standard of 38-foot minimum paved radius.

K. An off-site temporary turnaround for both Estancia Street and Alameda Circle at the north line of the plat needs to be established by separate instrument.

L. The Applicant shall guarantee the paving of the proposed residential streets. The paving guarantee shall include the installation of the temporary turnarounds. The guarantee shall also provide for sidewalks on at least one side of all residential loop streets. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.

M. The paving guarantee shall include the emergency access drive. The emergency access easement shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City Fire Department standards.

N. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.

O. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. Most of the lots proposed for residential use located east of Valencia Ave exceed the standard. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

P. 86 lots proposed for residential use do not conform to the 50-foot lot width standard. A modification may be granted by MAPC. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

Q. The Applicant has platted a 15-foot building setback along the end of the cul-de-sacs 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.

R. Sidewalk easements have been platted in Reserve P around the perimeter of the residential units. “Public sidewalks” shall be referenced in the plattor’s text.

S. 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.

T. 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.

U. 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.

V. The parking easements shall be referenced in the plattor's text specifying that the easements are granted for residential parking only and that no obstructions shall be constructed or placed within the easements.

W. A revised preliminary plat shall be submitted.

X. GIS advises that Alameda already exists, and a new street name is needed. "Serene Valley" already exists and "Valley" is a street type, therefore a new street name is needed for "Serene Valley". A new street name is needed for "Mira Bella" as one word road names are preferred and Bella has caused trouble in the past.

Y. County Surveying advises that there are missing dimensions, easements not located and missing curve data in several places. Comments will be addressed when revised pdf's are submitted prior to preparing mylar.

Z. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

AA. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.

BB. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.

CC. 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.)

DD. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

EE. 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.

FF. 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.

GG. 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.

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

II. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense

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

STAFF REPORT

CASE NUMBER: SUB2015-00024 – STEINKE 2ND ADDITION

OWNER/APPLICANT: Collin M. and Sarah J. Steinke, 15709 West 47th Street South, Clearwater, KS 67026; Ronald and Elaine Steinke, 15509 West 47th Street South, Clearwater, KS 67026

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

LOCATION: West of 151st Street West, on the south side of 47th Street South (County District III)

SITE SIZE: 10.18 acres

NUMBER OF LOTS

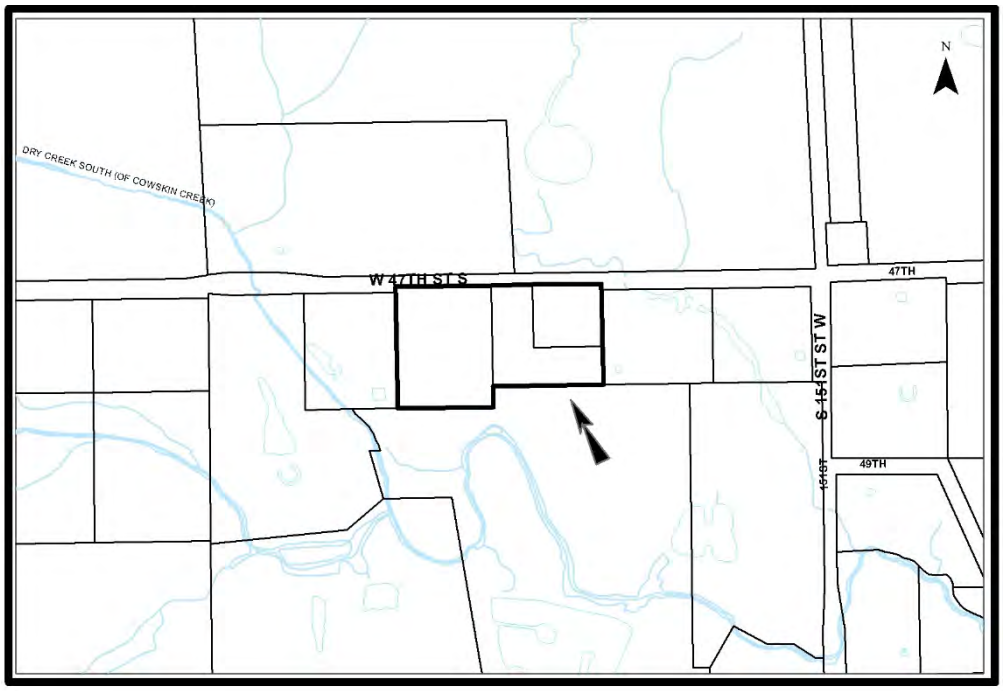
Residential:	2
Office:	
Commercial:	
Industrial:	
Total:	2

MINIMUM LOT AREA: 4.35 acres

CURRENT ZONING: Rural Residential (RR)

PROPOSED ZONING: Same

VICINITY MAP



NOTE: This site is located in the County within three miles of Wichita's boundary. It is in an area designated as "Wichita 2030 Urban Growth Area" by the Wichita-Sedgwick County Comprehensive Plan.

STAFF COMMENTS:

A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.

B. City of Wichita Public Works and Utilities Department has requested a No Protest Agreement for future extension of sanitary sewer (mains and laterals).

C. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection. The applicant has indicated that the rural water district currently serves both lots.

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 approved the applicant's drainage plan subject to a revision.

F. The plat denotes one opening per lot at existing locations and one joint opening. County Public Works has approved one opening per lot at the existing locations. The Subdivision Committee has approved one opening per lot at the existing locations.

G. County Surveying advises that all monuments along the plat boundary need to be shown as found or set.

H. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.

I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

L. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

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

P. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

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

METROPOLITAN AREA PLANNING COMMISSION **AGENDA ITEM NO. 2-4**
AUGUST 20, 2015

STAFF REPORT

CASE NUMBER: SUB2015-00025 – WEBB ROAD TOWNHOME ADDITION

OWNER/APPLICANT: Marie Messer Family Trust, 349 County Road 2606, Bonham, TX 75418-8304; Craig Allen Harms, 6 East Sequoia Drive, Wichita, KS 67206

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

LOCATION: South of 45th Street North, on the West side of Webb (District II)

SITE SIZE: 8.71 acres

NUMBER OF LOTS

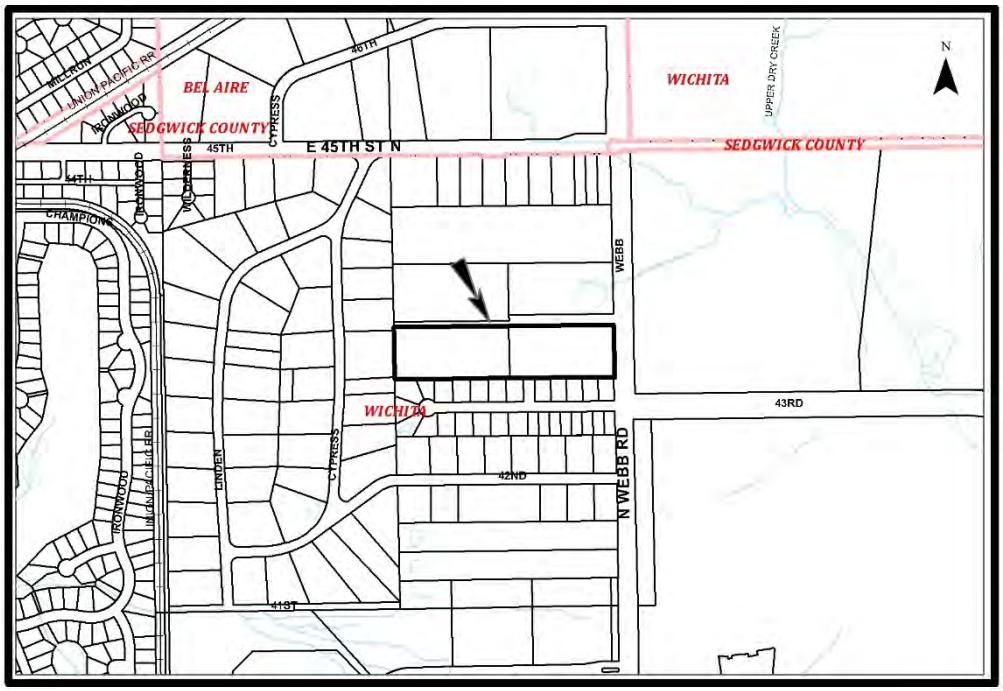
Residential:	37
Office:	
Commercial:	
Industrial:	
Total:	37

MINIMUM LOT AREA: 8100 square feet

CURRENT ZONING: Single-Family Residential (SF-5)

PROPOSED ZONING: Two-Family Residential (TF-3)

VICINITY MAP



NOTE: This is an unplatted site located within the City. The site has been approved for a zone change (ZON2015-00022) from Single-Family Residential (SF-5) to Two-Family Residential (TF-3).

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) to serve all lots, and the extension of sewer (laterals) to serve Lots 1-19, Block 2. In-lieu-of-assessment fees are due for water transmission. In-lieu-of-assessment fees are due for sewer mains. In-lieu-of-assessment fees are due for sewer (laterals) for Lots 20-30 Block 2 and Lots 1-7, Block 1.

B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

C. City Stormwater Management has approved the applicant's drainage plan.

D. The plattor's text shall include language that the utility easements are hereby granted as indicated for the construction and maintenance of all public utilities.

E. The plattor's text shall include language that the drainage and utility easement is hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities.

F. The plattor's text shall include language that the street, sidewalk, drainage and utility easement is hereby granted as indicated for street, sidewalk and drainage purposes and for the construction and maintenance of all public utilities.

G. Traffic Engineering has approved the access controls. The plat proposes complete access control along Webb Road except for one street opening.

H. 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.

I. The proposed street shall be increased in width to 32 feet, the narrow residential street standard.

J. The applicant shall guarantee the paving of the proposed interior street. For the narrow 32-foot street, this guarantee shall be for the 29-foot paving standard.

K. City Fire Department advises the turnaround must meet the minimum 38-foot paved radius requirement.

L. County Surveying advises that street control monuments will need to be set or found along Champions, Plumthicket, the south line of 44th Street North, and the west line of Webb Road.

M. County Surveying advises 44th Street North should be labeled as "30' Street Dedication".

N. County Surveying advises that it appears there is a blanket easement to Cities Service Gas (or KGS) along Webb Road, and most of the properties that have partial releases have an easement 75 feet from the Section line. Any portion of this easement impacting this site shall be denoted on the plat and shall be properly referenced. A recorded copy of any partial release or confinement of the easement shall be submitted.

O. County Surveying would like to be contacted regarding the legal description and plat boundary.

P. County Surveying requests submittal of title work and documents prior to final plat review.

Q. The owner name and trustee name will need to be shown under the plattor's text.

R. The notary for the owner will need to include trust name and trustee name on behalf of the trust.

S. GIS has advised that Champions needs to be labeled as "Champions Cir". Plumthicket needs labeled as "Plumthicket St".

T. The plattor's text shall reference "Lots, Blocks, Streets and Reserves".

U. 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.

V. 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.

W. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.

X. A bold line needs to be depicted for the boundaries of the plat. A bold line should be denoted for the south line of 44th and the west line of Webb. The vertical lines currently denoted at the street entrance (adjoining the 30.00' label) shall be deleted.

Y. 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.

Z. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

AA. City Environmental Health Division advises that any wells installed on the properties for irrigation purposes will have to be properly permitted and inspected.

BB. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

CC. 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.

DD. 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.)

EE. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

FF. 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.

GG. 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.

HH. 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.

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

JJ. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

KK. 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).

METROPOLITAN AREA PLANNING COMMISSION **AGENDA ITEM NO. 2-5**
August 20, 2015

STAFF REPORT

CASE NUMBER: SUB2015-00026 – ESTANCIA COMMERCIAL ADDITION

OWNER/APPLICANT: Tier 1, LLC, Attn: Marv Schellenberg, 7926 West 21st Street, Wichita, KS 67205

SURVEYOR/AGENT: MKEC Engineering, Inc, Attn: Brian Lindebak, 411 North Webb Road, Wichita, KS 67206

LOCATION: East side of Ridge Road, between K-96 Highway and 37th Street North (District V)

SITE SIZE: 41.62 acres

NUMBER OF LOTS

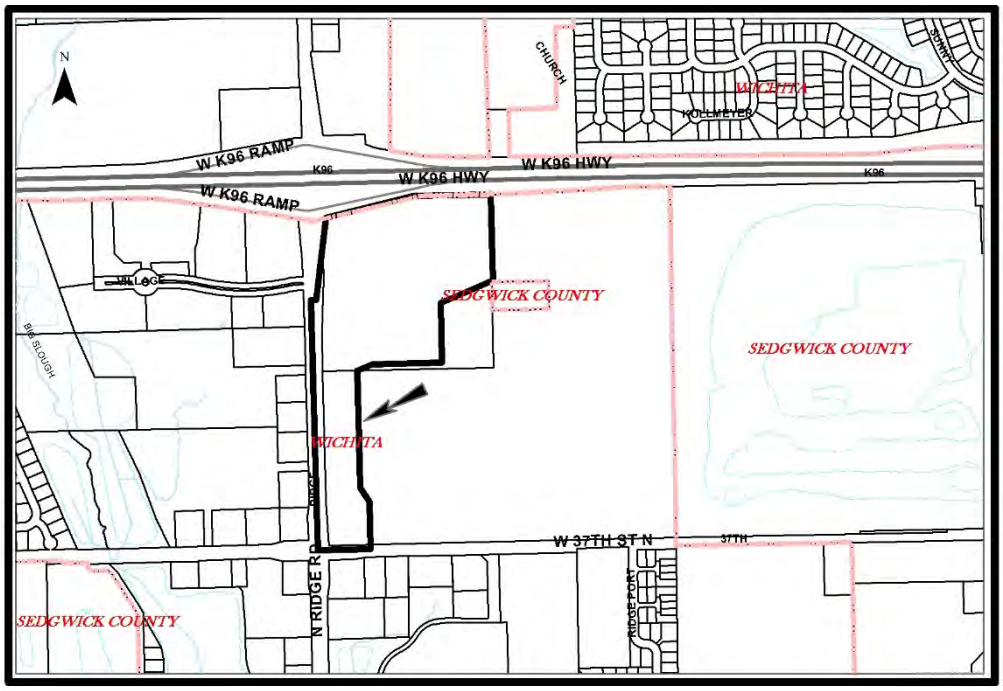
Residential:	
Office:	
Commercial:	13
Industrial:	
Total:	13

MINIMUM LOT AREA: 2,500 square feet

CURRENT ZONING: Single-Family-Residential (SF-5), Limited Commercial (LC)

PROPOSED ZONING: Limited Commercial (LC), General Commercial (GC)

VICINITY MAP



NOTE: This is the final portion of an overall preliminary plat approved for site (The Valencia Addition, SUB2015-00022) and represents the first phase of commercial development. The street layout and lot configuration is consistent with the preliminary plat.

The site is currently zoned Single-Family Residential (SF-5) and Limited Commercial (LC). A zone change (ZON2015-00029) was approved by MAPC from Single-Family Residential (SF-5) and Limited Commercial (LC) to General Commercial (GC) and Limited Commercial (LC). A Community Unit Plan (CUP2015-00015, DP-337) was also approved.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department requests the extension of sanitary sewer (laterals) to serve all lots. Water (distribution) needs extended to serve all lots. In-lieu-of-assessments are due for water transmission. In-lieu-of-assessments are due for sewer mains.

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 final drainage plan is needed.

D. Traffic Engineering has approved the access controls. The plat proposes two street openings along Ridge with other access openings per access management standards. The plat proposes one access opening along 37th Street North.

E. 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.

F. 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.

G. An off-site temporary turnaround for Village Circle needs to be established by separate instrument.

H. The width of the commercial streets is less than the 70-foot required right-of-way. Traffic/City Engineering has approved the width if restricted to No Parking on both sides of the streets. A restrictive covenant shall be provided specifying the No Parking requirement.

I. The Applicant shall guarantee the paving of the streets to the business street standard. The paving guarantee shall include the installation of a temporary turnaround at the terminus of Village Circle.

J. As the plat consists of commercial lots abutting non-arterial streets, the Subdivision regulations require sidewalks along the interior street frontage. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.

K. In accordance with the proposed CUP, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.

L. 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.

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. 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.

O. A revised preliminary plat shall be submitted.

P. <u>County Surveying</u> requests to be contacted regarding three corrections to the legal description.

Q. <u>County Surveying</u> and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

R. <u>City Environmental Health Division</u> advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.

S. 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.)

T. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

U. 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.

V. 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.

W. 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.

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

Y. Westar Energy has requested additional easements. Richard Aitken is the Area Construction Services Representative for this plat and he can be reached at 316-261-6734. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

Z. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense

AA. 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).

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-1
August 20, 2015

STAFF REPORT

CASE NUMBER: **VAC2015-00028 -** Request to vacate portions of a platted setback and a utility easement dedicated by separate instrument

OWNER/AGENT: Paul & Eleanor Sade Trust (owner) Dillon Stores Inc. (applicant) PEC, c/o Charlie Brown (agent)

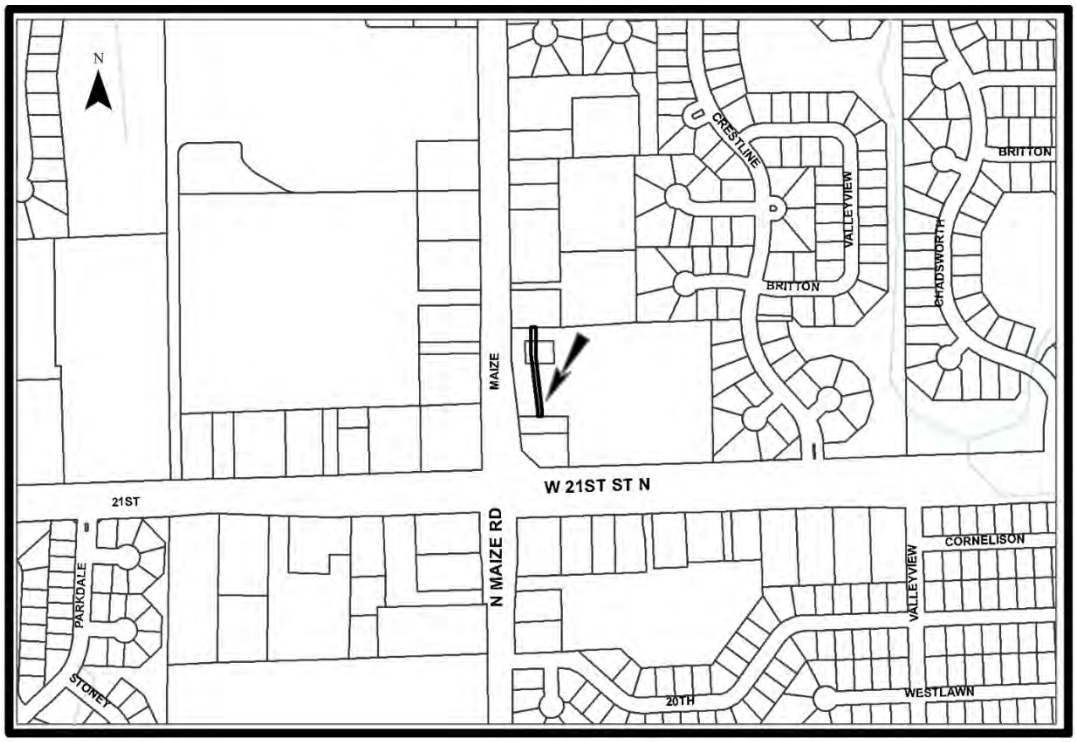
LEGAL DESCRIPTION: Generally described as the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2nd Addition and a portion of the utility easement dedicated by separate instrument (Film 2881, Page 4832; see attached legal and exhibits) located in Lot 4, Chadsworth Commercial 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the northeast corner 21st Street North and Maize Road (WCC #V)

REASON FOR REQUEST: Canopy for drive through lane of pharmacy

CURRENT ZONING: The site (CUP DP-204) and the abutting north and adjacent south properties are zoned LC Limited Commercial. The abutting east properties are zoned SF-5 Single-Family Residential. The adjacent west properties are zoned LC and GC General Commercial.

VICINITY MAP:



The applicant proposes to build a canopy for the drive through pharmacy, which encroaches into a platted setback and a utility easement dedicated by separate instrument. The applicant is requesting the vacation of the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2nd Addition. The Limited Commercial (LC) zoned subject is part of Community Unit Plan CUP DP-204 overlay. The minimum street side yard or front yard setback for a CUP is 35 feet; the applicant's request leaves 80 feet of setback.

The applicant is also requesting the vacation of the east 5.52-ft (x) 23.84-dt – 31.11 long section of a 20-foot wide utility easement dedicated by separate instrument (Film 2881, Page 4832) as shown and described on the attached exhibit and legal description. There is a sewer line located within the described portion of the subject easement, which is located in Lot 4, Chadsworth Commercial 2nd Addition. The applicant's exhibit shows a proposed replacement easement. The Westar Construction Services Representative for the NW area can be contacted at 261-6734 . The Chadsworth Commercial 2nd Addition was recorded with the Register of Deeds August 14, 1995.

Note: Previously VAC2011-00019 vacated a south portion of the utility easement dedicated by separate instrument located in Lot 5, Chadsworth Commercial 2nd Addition. The sewer line located in that portion of the easement was reverted into a private sewer line.

Note: The published MAPC public hearing meeting of August 6, 2015, for VAC2015-00028 was cancelled due to the lack of a quorum, the resulting being the consideration of VAC2015-00028 for the August 20, 2015, MAPC public hearing meeting.

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 portions of the platted setback and the 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 16, 2015, which was at least 20 days prior to this public hearing.

    2. That no private rights will be injured or endangered by vacating the described portions of the platted setback and the 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) Vacate the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2nd Addition. Show the new 80-foot setback on an adjusted CUP DP-204 and reference the vacation case, VAC2015-00028, on the adjusted CUP.

(2) 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.

(3) 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 the case going to 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 east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2nd Addition. Show the new 80-foot setback on an adjusted CUP DP-204 and reference the vacation case, VAC2015-00028, on the adjusted CUP.

(2) 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.

(3) 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 the case going to 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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3-2
August 20, 2015

STAFF REPORT

CASE NUMBER: **VAC2015-00029 -** City request to vacate a drainage easement dedicated by separate instrument

OWNER/AGENT: Contrail Development LLC (owner) K.E. Miller Engineering P.A., c/o Kirk Miller (agent)

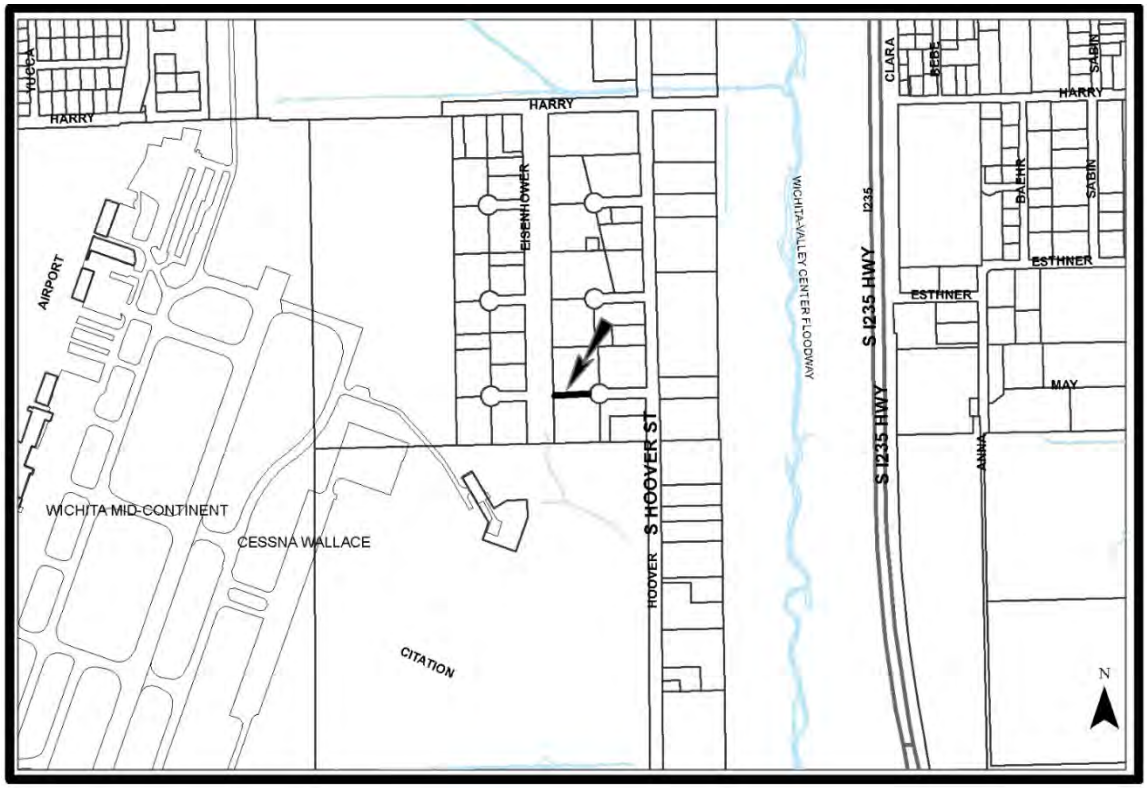
LEGAL DESCRIPTION: Generally described as vacating an east-west 20-foot drainage easement dedicated by separate instrument (Film 2093, Page 185) located on the common lot line of Lots 8 and 9, Block 2, Airport Industrial Park Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of Harry Street, west of Hoover Road, on the west side of Hoover Court (WCC #IV)

REASON FOR REQUEST: Expansion

CURRENT ZONING: The site and all abutting and adjacent properties are zoned LI Limited Industrial

VICINITY MAP:



The applicant propose to vacate the east-west 20-foot drainage easement dedicated by separate instrument located on the common lot line of Lots 8 and 9, Block 2, Airport Industrial Park Addition; Film 2093, Page 185. There is stormwater conduit and equipment located in the easement. The applicant proposes to re-locate the stormwater conduit and equipment located in the easement. The Westar Construction Services Representative for the SW Area is the contact for this item and can be contacted at 261-6734. The Airport Industrial Park Addition was recorded December 18, 1964.

Note: Previously VAC2007-00028 vacated a portion of platted street side yard setback on Lots 8 and 9 (and other lots), Block 2, Airport Industrial Park Addition, as well as a platted 40-foot half-street ROW, running parallel to the south lot line of Lots 9 Block 2, Airport Industrial Park Addition (as well as other lots).

Note: The published MAPC public hearing meeting of August 6, 2015, for VAC2015-00029 was cancelled due to the lack of a quorum, the resulting being the consideration of VAC2015-00029 for the August 20, 2015, MAPC public hearing meeting.

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 drainage 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 16, 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 drainage 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, including Stormwater, 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. Provided to the Planning Department prior to this case going to City Council for final action.

(3) 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.

(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, including Stormwater, 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. Provided to the Planning Department prior to this case going to City Council for final action.

(3) 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.

(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.

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3-3
August 20, 2015

STAFF REPORT

CASE NUMBER: **VAC2015-00030 -** City request to vacate a portion of a platted access control

APPLICANT/AGENT: Rock Road Court LLC, Amy Liebau (applicant) MKEC Engineering, Inc., c/o Brian Lindebak (agent)

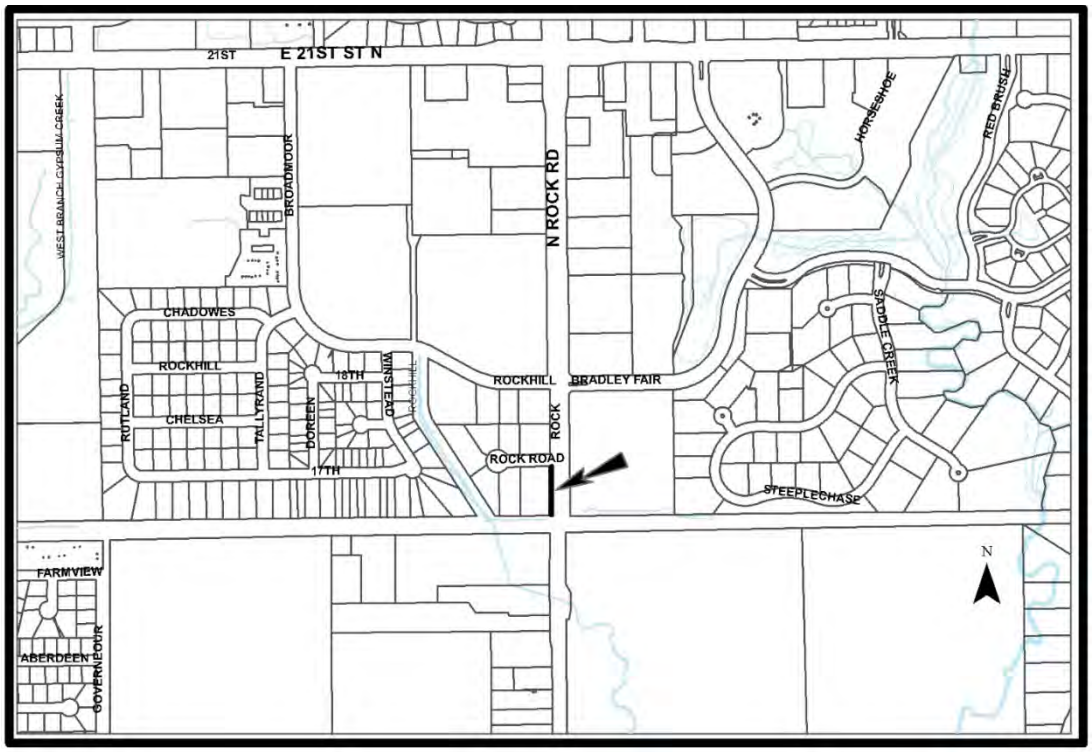
LEGAL DESCRIPTION: Generally described as vacating the south 40 feet of the platted complete access control located on the east property line of Lot 13, Brad Boone Addition, to allow a drive/access onto Rock Road, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 21st Street North, on the west side of Rock Road and south of North Rock Road Court (WCC #II)

REASON FOR REQUEST: To allow a drive

CURRENT ZONING: The site and the adjacent east and south properties are zoned LC Limited Commercial. The abutting north and west properties are zoned GO General Office.

VICINITY MAP:



The applicant proposes to vacate the south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone Addition. As platted, Lot 13 is not permitted a drive/access onto the arterial street, Rock Road. Lot 13's access is off of the north abutting cul-de-sac Rock Road Court, which intersects with Rock Road and is 239 feet north of the proposed drive. Rock Road has four-lanes at this location. There are no drives located east, across Rock Road from the site. The property located east of the site, across Rock Road, is not permitted access onto Rock Road along its 697.42 feet of Rock Road frontage; Lot 1, Block 1, Bradley Fair 4th Addition. The 99.01-foot wide rails to trails pedestrian – bike path abuts the site's south side and its width contributes to the 220 feet of separation from the proposed drive and the closest drive located south. The closest drive north of the site is located approximately 580 feet away, separated form the subject area by Rock Road Court. The current Access Management Regulations 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, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. The proposed drive would be located within a platted 100-foot wide KG & E easement and Westar has power poles and lines located within the easement; the easement will remain. This is a private easement and the applicant would need to get approval from the utility for the proposed drive. A parking lot is currently located within this easement. There is water line and stormwater conduit and equipment in the area of the vacation. Kansas Gas Service has an 8" steel pipeline and gas valve located within the proposed vacation limits. The installation of a drive may require the relocation of our facilities at the applicant's expense. The Brad Boone Addition was recorded with the Register of Deeds April 1, 1981.

Note: Previously VAC2007-00045 vacated 40-feet of the platted 70-foot street side setback along the subject site's Rock Road frontage.

Note: The published MAPC public hearing meeting of August 6, 2015, for VAC2015-00030 was cancelled due to the lack of a quorum, the resulting being the consideration of VAC2015-00030 for the August 20, 2015, MAPC public hearing meeting.

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 July 16, 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 platted compete 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 south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone 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 written approval from Westar and Kansas Gas Service to locate a drive in the platted 100-foot wide KG & E easement. For Westar contact Greg Roy, Technical Specialist, Design in Transmission Engineering at 1-785-575-8167. For Kansas Gas Service contact Joseph A Bridgewater at 832-3158. This must be provided to Planning prior to the case going to Council for final action.

(3) Any relocation or reconstruction of utilities, including Westar's and Kansas Gas Service's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. 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) All improvements shall be according to City Standards and at the applicant's expense.

(5) 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.

(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 south 40 feet of the platted complete access control located on the east, 279.52-foot long property line of Lot 13, Brad Boone 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 written approval from Westar and Kansas Gas Service to locate a drive in the platted 100-foot wide KG & E easement. For Westar contact Greg Roy, Technical Specialist, Design in Transmission Engineering at 1-785-575-8167. For Kansas Gas Service contact Joseph A Bridgewater at 832-3158. This must be provided to Planning prior to the case going to Council for final action.

(3) Any relocation or reconstruction of utilities, including Westar's and Kansas Gas Service's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. 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) All improvements shall be according to City Standards and at the applicant's expense.

(5) 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.

(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.

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-4
August 20, 2015

STAFF REPORT

CASE NUMBER: **VAC2015-00031** - Request to vacate portions of platted floodway easements and the minimum pad elevations

OWNER/APPLICANT: Jon C & Andrea C. Parks (owner) Baughman Company, P.A., c/o Phil Meyer (applicant)

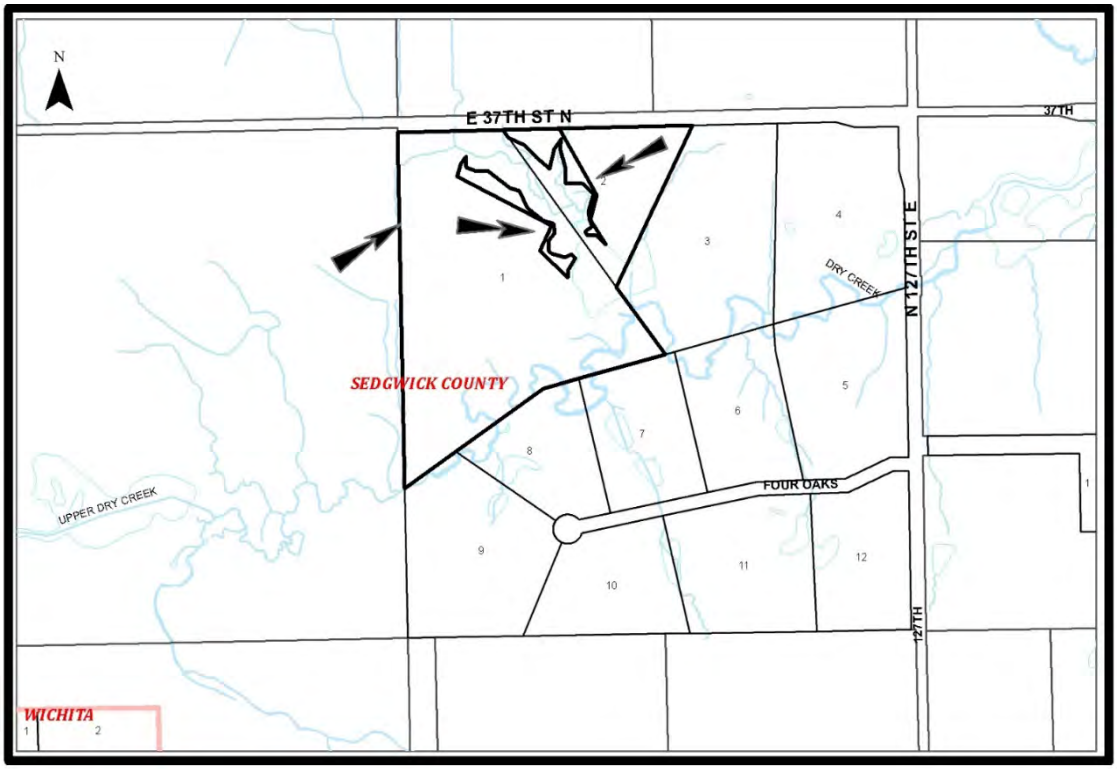
LEGAL DESCRIPTION: Generally described as vacating portions of the platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition, Sedgwick County, Kansas (see legal description and exhibit)

LOCATION: Generally located west of 127th Street East on the south side of 37th Street North (BoCC #1)

REASON FOR REQUEST: Remove proposed building from floodway easement

CURRENT ZONING: The site and all abutting and adjacent properties are zoned RR Rural Residential

VICINITY MAP:



The applicants are requesting the vacation of portions of a platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition. The floodway easement is located within a FEMA Type A Flood Zone. The plattor's text states that no structure shall be constructed on or within the floodway easement, nor shall any change of grade, creation of grade, creation of channel or other work be carried on without the approval of the engineer of the appropriate governing body. The minimum pad elevation of Lot 1 is 1,370 feet and the minimum pad elevation of Lot 2 is 1,367 feet. There is no public water, sewer, or stormwater equipment in the described portion of the reserve. The Four Oaks Addition was recorded with the Register of Deeds February 3, 2000.

NOTE: Per the Subdivision Regulations Article 5-502. <u>Changes to Minimum Pad Elevations on Recorded Plats</u>. If, after recording a subdivision plat where minimum pad elevations are shown, new floodway/drainage information becomes available that would change the minimum pad elevation requirement, the appropriate engineer (of either the City or County), after verifying the change in floodway/drainage information and after notifying the owner(s) of record of the lot(s) involved, by certified mail to their last known address, or after receiving the request of the owner(s) of record of the lot(s) involved, may file an affidavit with the Register of Deeds, describing the nature and extent of the minimum pad elevation change(s). The change(s) may not increase the required minimum pad elevation unless the lot(s) affected is (are) undeveloped on the date the affidavit is recorded. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County 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 floodway easement and the minimum pad elevations.

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 30, 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 floodway easement and the minimum pad elevations 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 portions of a platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition, as approved by the County Engineer. As needed apply for a revisions of the FEMA Flood Map with the County Engineer/Corps of Engineers.

(2) Provide an approved legal description of the vacated portion of the platted floodway easement on a Word document via E-mail. Provide to Planning for the Vacation Order, prior to the case going to the County Commission for final action.

(3) File an affidavit with the Register of Deeds, describing the nature and extent of the minimum pad elevation change(s). The change(s) may not increase the required minimum pad elevation unless the lot(s) affected is (are) undeveloped on the date the affidavit is recorded. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.

(4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County 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 County Commission for final action.

(5) All improvements shall be according to County 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 portions of a platted floodway easement located along the common lot line of Lots 1 & 2, and the minimum pad elevations of said lots, Four Oaks Addition, as approved by the County Engineer. As needed apply for a revisions of the FEMA Flood Map with the County Engineer/Corps of Engineers.

(2) Provide an approved legal description of the vacated portion of the platted floodway easement on a Word document via E-mail. Provide to Planning for the Vacation Order, prior to the case going to the County Commission for final action.

(3) File an affidavit with the Register of Deeds, describing the nature and extent of the minimum pad elevation change(s). The change(s) may not increase the required minimum pad elevation unless the lot(s) affected is (are) undeveloped on the date the affidavit is recorded. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.

(4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County 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 County Commission for final action.

(5) All improvements shall be according to County 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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3-5
August 20, 2015

STAFF REPORT

CASE NUMBER: **VAC2015-00032 -** Request to vacate easements dedicated by separate instruments

OWNER/AGENT: Verandas at Crestview I LLC (owner) Baughman Co. PA c/o Phil Meyer (agent)

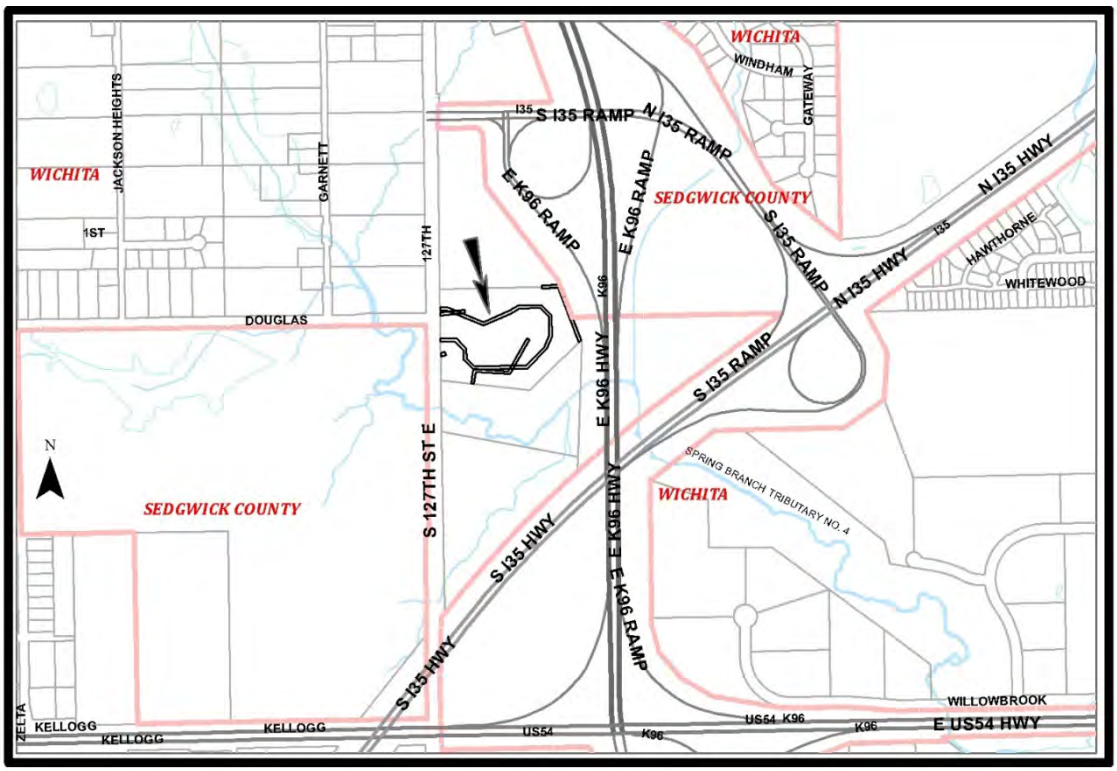
LEGAL DESCRIPTION: Generally described as vacating a 20-foot wide waterline easement dedicated by separate instrument (FLM-PG: 28406470) and a 20-foot wide sanitary sewer easement dedicated by separate instrument (FLM-PG: 29406469) located on Lot 2, Block E, Meadowland Addition, Wichita, Sedgwick County, Kansas. (see legal description and exhibit)

LOCATION: Generally located north of Kellogg- 1-35, on the east side of 127th Street East, and east of Douglas Avenue (WCC #II)

REASON FOR REQUEST: Future development

CURRENT ZONING: The site and the abutting north property are zoned MF-18 Multi-Family Residential. Abutting south and adjacent northwest (across 127th Street East) properties are zoned SF-5 Single-Family Residential. Adjacent west properties (across 127th Street East) are zoned SF-20. Abutting east property is K-96 right-of-way.

VICINITY MAP:



The applicant proposes to vacate a 20-foot wide waterline easement dedicated by separate instrument (FLM-PG: 28406470) and a 20-foot wide sanitary sewer easement dedicated by separate instrument (FLM-PG: 29406469) located on the undeveloped Lot 2, Block E, Meadowland Addition. Much of the site is located within a FEMA Flood Zone. There appears to be no utilities located within the subject easements. The Meadowland Addition was recorded with the Register of Deeds April 3, 2002.

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 water line and sanitary sewer easements 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 30, 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 water line and sanitary sewer easements dedicated by separate instruments 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 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.

(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 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.

(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.

AGENDA ITEM NO. 4

WICHITA—SEDGWICK COUNTY

STAFF REPORT

MAPC August 20, 2015
MAPC August 6, 2015
DAB I August 3, 2015

CASE NUMBER: CON2015-00024

APPLICANT/OWNER: Narvella S. McElrath & Billie Fae Cole (applicants/owners)

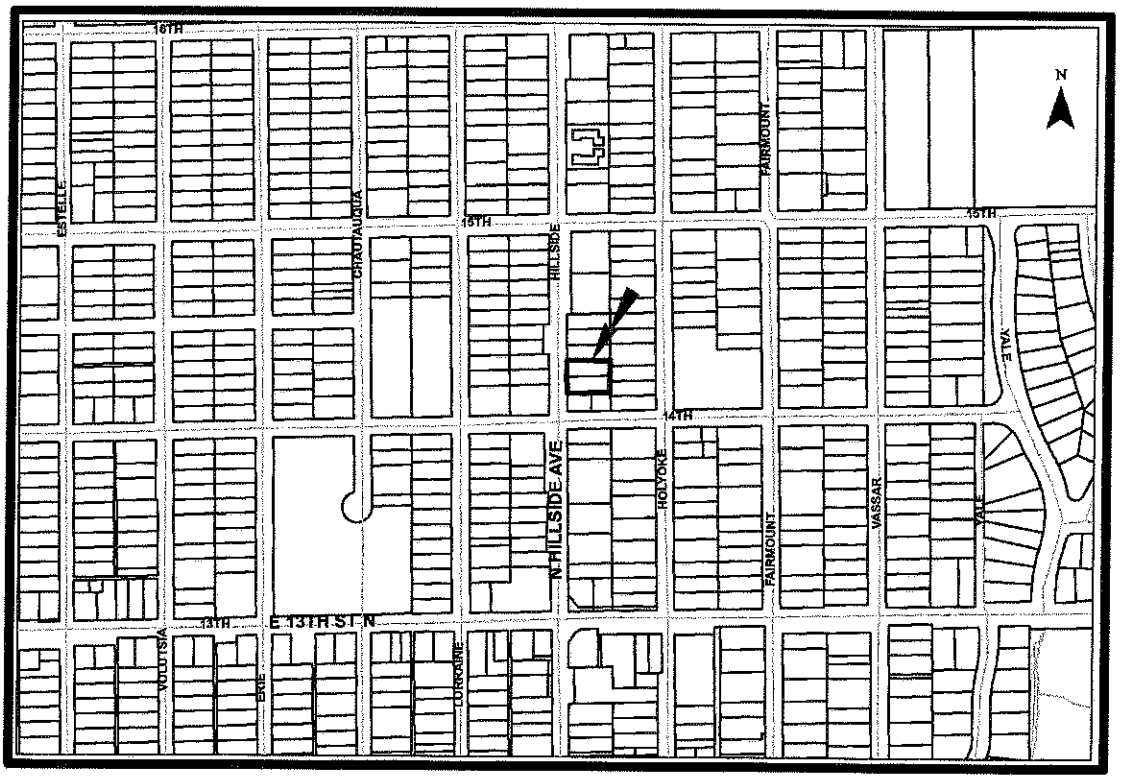
REQUEST: Conditional Use to allow a group residence, limited

CURRENT ZONING: MF-29 Multi-Family Residential (MF-29)

SITE SIZE: Approximately 0.36-acres

LOCATION: Generally located north of 14th Street North on the east side of Hillside Avenue (1508-1514 N. Hillside) WCC #I

PROPOSED USE: Youth group residence for 12-14 youth



BACKGROUND: The applicants request a conditional use to operate a group residence, limited, on the MF-29 Multi-Family Residential (MF-29) zoned site located approximately 62 feet north of 14th Street North on the east side of Hillside Avenue; Unified Zoning Code (UZC), Sec.III-B.8.c.1. A group residence, limited, is a residential facility occupied by six to 15 persons providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, and emergency shelters for the homeless and for victims of crime, abuse or neglect. The term group residence does not include Group Homes or Correctional Placement Residences; UZC, Sec.II-B.5.i and Sec.II-B.5.k. The applicants' non-restrictive facility is for juvenile males (less than 18-years old), that is proposed to provide a 24-hour residence plus services, such as education coordination, cognitive behavior intervention, daily life skills, etc. A non-restrictive facility does not prohibit the facilities occupants from comings and goings

The MF-29 zoned site currently has a vacant single-family residence (built 1950) located on the south half, with the north half being undeveloped. If approved the applicants propose to tear down the vacant single-family residence (which Code Enforcement has a vacant/neglected building case) and redevelop the site with a 1,698-square foot residence and a 1,200-square foot recreational/common building.

The site is located midway between the three dominate developments in the area. The U University (U) zoned Wichita State University (founded as Fairmont College in 1895) campus is located four blocks north of the site. Two large B Multi-Family Residential (B) zoned older cemeteries are located a 1-1/2 blocks south of the site and the GO General Office (GO) zoned Wesley Hospital is located six blocks south of the site. The more immediate area around site is developed as older, single-story single-family residences with duplexes and apartments mixed in. GO zoned single-family residences (built 1920, 1935) abut and are adjacent (across 14th Street North) to the south side of the site. MF-29 zoned quad-plexes (built mid 1950s) are located further south of the site. MF-29 zoned vacant lots, single-family residences (built 1917, 1920, 1925. 1944, 1950) and duplexes are located west of the site, across Hillside Avenue. The TF-3 Two-Family Residential (TF-3) zoned St. Mark's Methodist Church (built 1994) with an attached medical and dental clinic (built 1994 and 2012) is located a block west. MF-29 zoned single-family residences (built 1940, 1948) abut and are adjacent to the north side of the site, as are LC Limited Commercial (LC) zoned church and a vacant (built 1973) commercial building. TF-3 zoned single-family residences (built 1910, 1918, 1820, 1947) and duplexes (built 1920) abut and are adjacent to the east side of the site.

CASE HISTORY: The site is located on the south 19 feet of Lot 130, all of Lots 132, 134 and 136 along with the north 12 feet of Lot 138, Hillside Avenue, Fairmount Addition, which was recorded with the Register of Deeds on February 15, 1887.

DAB I considered this request at their August 3, 2015 meeting and approved it unanimously.

The published MAPC public hearing meeting of August 6, 2015, for CON2015-00024 was cancelled due to the lack of a quorum, the resulting being the consideration of CON2015-00024 on the August 20, 2015, MAPC public hearing meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29, LC	Single-family residences, church, vacant commercial building
SOUTH:	MF-29, B	Single-family residences, quad-plexes, cemeteries
EAST:	TF-3	Single-family residences, duplexes, church
WEST:	MF-29, TF-3	Single-family residences, duplexes, vacant properties, church with attached medical and dental clinic

PUBLIC SERVICES: The site has access onto Hillside Avenue, a paved, four-lane, arterial street, with 60 feet of right-of-way at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide Map" shows the site as "urban residential." The purpose of the MF-29 zoning district is to accommodate high-density, multi-family residential development and complementary land uses. The MF-29 District is generally compatible with the "urban residential" or "urban development mix" designations of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application within the City of Wichita.

The UZC classifies a group residence, limited, as a residential use. The UZC requires consideration and approval of a conditional use to operate a group residence, limited, on the MF-29 zoned land.

RECOMMENDATION: The proposed maximum occupancy of 12-14 in a proposed 1,698-square feet residence is high and will have to approved by the Fire Department and the Metropolitan Area Building and Construction Department. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use be **APPROVED**, with the following conditions:

(1) The group residence, limited, for juvenile males (less than 18 years old) shall be limited to a maximum occupancy as approved by the Wichita Fire Department, the Metropolitan Area Building and Construction Department and any other applicable federal, state and local standards. The maximum occupancy shall not exceed 14 residence, including staff members. A staff member shall be in the residence 24 hours a day, seven days a week.

(2) The site will developed with an approved revised site plan. The site plan shall include, but not be limited to, an on-site paved parking area that conforms to the UZC's parking standards for one parking space per resident. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.

(3) The applicant shall obtain all required federal, state, local and other applicable permits and inspections.

(4) The site shall be developed as shown on the approved site plan, within one year of approval by the appropriate governing body or the conditional use shall be 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 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 site is located midway between the three dominate developments in the area. The U University (U) zoned Wichita State University (founded as Fairmont College in 1895) campus is located four blocks north of the site. Two large B Multi-Family Residential (B) zoned older cemeteries are located a 1-1/2 blocks south of the site and the GO General Office (GO) zoned Wesley Hospital is located six blocks south of the site. The more immediate area around site is developed as older, single-story single-family residences with duplexes and apartments mixed in. GO zoned single-family residences (built 1920, 1935) abut and are adjacent (across 14th Street North) to the south side of the site. MF-29 zoned quad-plexes (built mid 1950s) are located further south of the site. MF-29 zoned vacant lots, single-family residences (built 1917, 1920, 1925. 1944, 1950) and duplexes are located west of the site, across Hillside Avenue. The TF-3 Two-Family Residential (TF-3) zoned St. Mark's Methodist Church (built 1994) with an attached medical and dental clinic (built 1994 and 2012) is located a block west. MF-29 zoned single-family residences (built 1940, 1948) abut and are adjacent to the north side of the site, as are LC Limited Commercial (LC) zoned church and a vacant (built 1973) commercial building. TF-3 zoned single-family residences (built 1910, 1918, 1820, 1947) and duplexes (built 1920) abut and are adjacent to the east side of the site.

(2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned MF-29, which is meant to accommodate high-density, multi-family residential development and complementary land uses within the City of Wichita. The MF-29 zoned site could be developed as single-family residential, duplex and multi-family residential by right. Having frontage on the arterial road Hillside Avenue makes the site less desirable for single-family residential development. However, with Wichita State University being located four blocks north of the site, a multi-family residential development would be appropriate for providing student housing.

Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of a conditional use would permit the site to become group residence, limited, specifically (as proposed by the applicants) a non-restrictive facility for up to 12-14 juvenile males (less than 18-years old), that is proposed to provide a 24-hour residence plus services, such as education coordination, cognitive behavior intervention, daily life skills, etc. As proposed the site would be redeveloped with two

new buildings, a plus for this older, established neighborhood.

The request does not introduce a new use to the area, as there were two approved group residences, limited, located one block east and another located two-blocks northeast of the site. CON2010-00037 is a group residence, limited, for up to six pregnant women located one-block east of the site on the north side of 14th Street North, between Fairmount and Holyoke Avenues. CON2004-00008, with CON2009-00045 (located on the northeast corner of Fairmount Avenue and 15th Street North) later amending it to allow a maximum of 10 residents, to have an on-site, live-in manager occupying the facility when any of the rooms have been rented or leased and to have paved parking to meet the UZC's on-site parking requirements. Staff does not know if these sites are currently active.

(3) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide Map" shows the site as "urban residential." The purpose of the MF-29 zoning district is to accommodate high-density, multi-family residential development and complementary land uses. The MF-29 District is generally compatible with the "urban residential" or "urban development mix" designations of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application within the City of Wichita.

The UZC classifies a group residence, limited, as a residential use. The UZC requires consideration and approval of a conditional use to operate a group residence, limited, on the MF-29 zoned land.

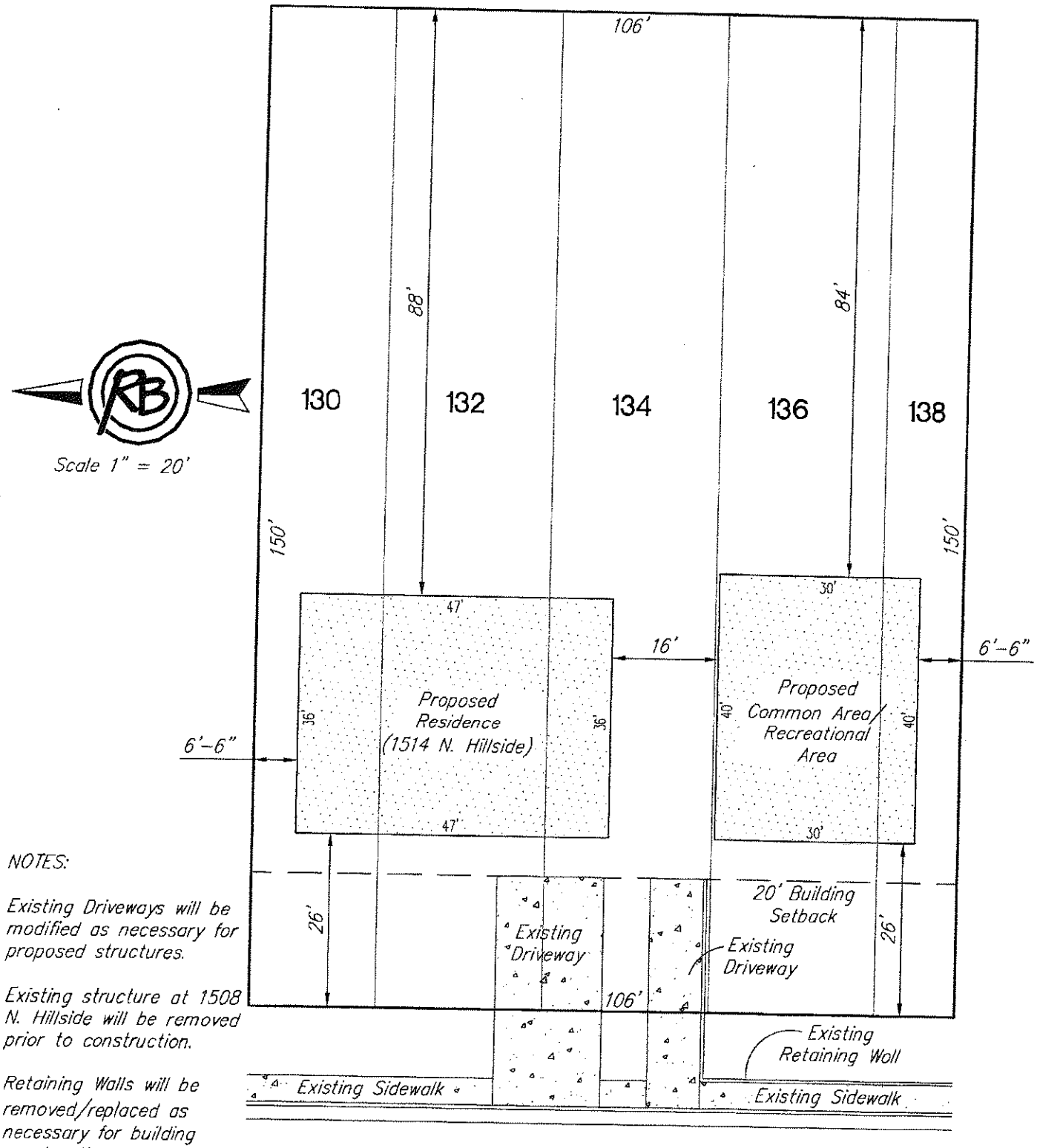
(4) **Impact of the proposed development on community facilities:** Approval of this request will have a minimal impact on community facilities.

RUGGLES BOHM
ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
924 NORTH MAIN WICHITA, KANSAS 67203 P (316) 264-8008 F (316) 264-4621
WWW.RBKANSAS.COM

The South 19 feet of Lot 130 plus Lots 132, 134 & 136 plus the North 12 feet of Lot 138 Hillside Avenue, Fairmount, An Addition to Wichita, Kansas

4578F
June 29, 2015

Con2015-24



NOTES:

Existing Driveways will be modified as necessary for proposed structures.

Existing structure at 1508 N. Hillside will be removed prior to construction.

Retaining Walls will be removed/replaced as necessary for building construction.

1514 - 1508 North Hillside

AGENDA ITEM NO. 5

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC August 20, 2015
DAB V August 10, 2015

CASE NUMBER: ZON2015-00026

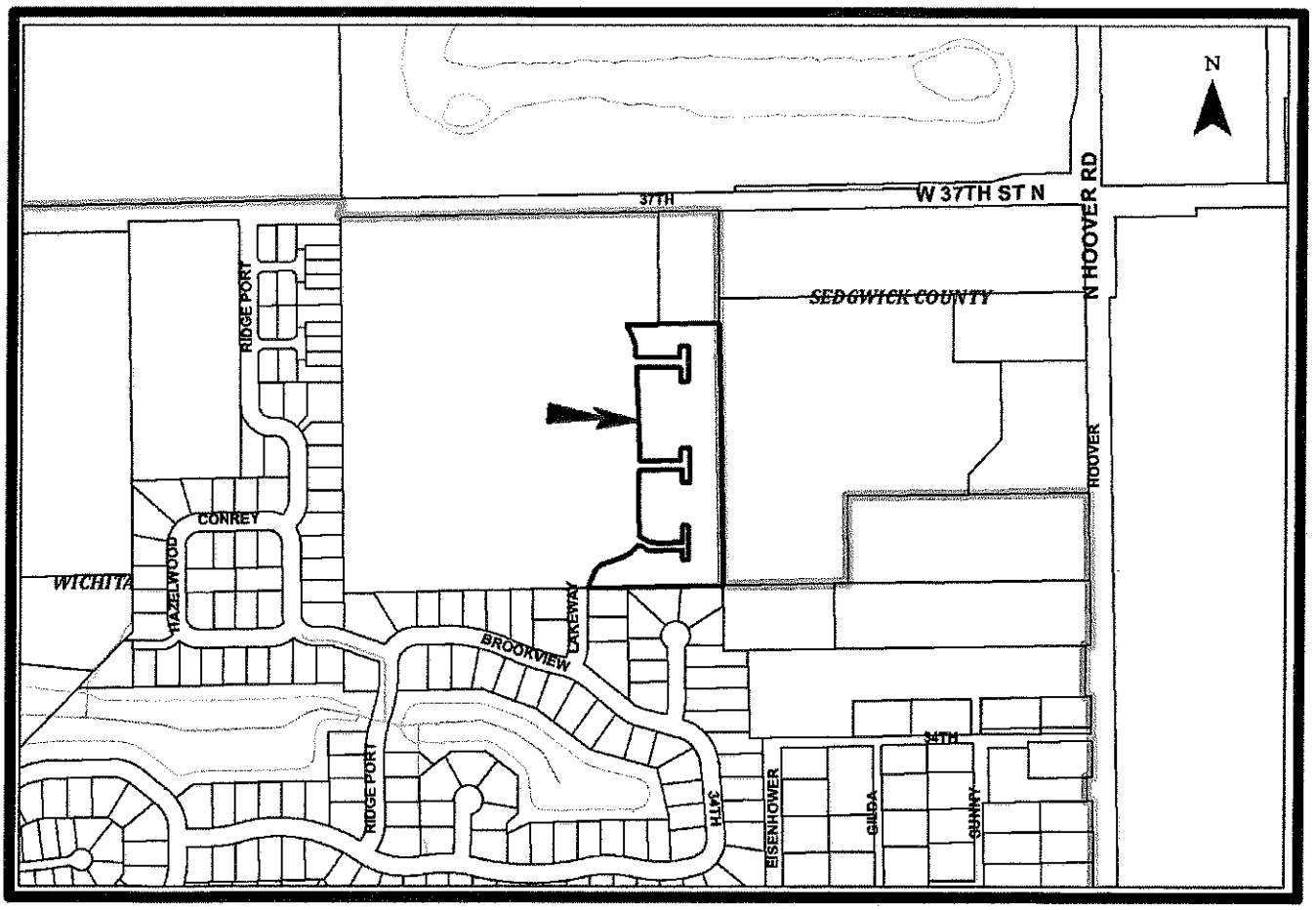
APPLICANT/AGENT: Siena Lakes LLC (owner) Chris Bohm, Ruggles & Bohm (Agent)

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.

July 11, 2015

Metropolitan Area Planning Commission

Wichita City Hall / 10th Floor, 455 N Main St.

Wichita, KS 67202-1688

RE: Case # ZON2015-00026

Dear Metropolitan Area Planning Commission,

We are submitting this letter of protest regarding Case # ZON2015-00026 which requests a zone change from SF-5 Single Family to TF-3 Two-Family Residential one quarter mile west of Hoover Rd on the south side of 37th Street North. The applicant is Siena Lakes, LLC, attn.: Jay Russell.

The property owners adjacent to this development protest the proposed zone change request basis the following:

- Negative effect on neighboring property values
- Historical water drainage issues / Master drainage plan may not accommodate the additional residences
- Increased traffic
- Increased noise levels
- Two-family residences traditionally become rental properties
- Comparable home owners association covenants
- Quality of construction comparable to the adjacent neighborhood
- General aesthetics not congruent with adjacent neighborhood, i.e. architecture, landscaping, parking
- Infrastructure of 37th street has not been improved to accommodate the additional vehicles/people

We humbly request this commission to consider these objections. The addition of the two-family residences will negatively impact the neighboring property owners.

Respectfully,

Chriss Brown

3511 N Lakeway St

Wichita, KS 67205

316.640.5126

Nathan Byer

3510 N Lakeway St

Wichita, KS 67205

316.570.0720

Printed Name	Address	Signature
Marilyn Forinash	3742 N. Ridge Port Ct.	Marilyn Forinash
Sandy McDonald	3758 N Ridge Port Ct.	Sandra A. McDonald
JOHN McDONALD	3758 N. RIDGE PORT CT.	John McDonald
Bernice Droste	3630 N Ridge Port St	Bernice Droste
Lester Droste	3630 N Ridge Port St	Lester Droste
Rory Wheeler	3446 N. Sandplum Ct.	Rory L Wheeler
Duane A. Jones	3458 N. Sandplum Ct	Duane A. Jones
Judy Jones	3458 N. Sandplum Ct	Wichita Ks
Edward (Dick) Wadon	3450 Sandplum Ct	Wichita Ks.
Bonnie Wadon	3450 Sandplum Ct	Wichita Ks
Alta Parker	3770 N Ridge Port Ct.	Wichita, KS
Mitchell Parker	3770 N. Ridge Port Ct.	Wichita, KS
Jeanne Mfenzgiu	3778 N. Ridge Port Ct.	Wichita KS
[illegible]	3726 N. Ridge Port Ct.	Wichita KS
Marjorie Adair	3726 N. Ridge Port Ct	Wichita Ks
Patsy Kutz	3750 N. Ridge Port Ct.	Wichita, Ks Patsy Kutz
Darryl Kutz	3750 N. Ridge Port Ct.	Wichita, Ks. Darryl Kutz
Nancy Frentzel	3766 N. Ridge Port Ct	Nancy Frentzel
Doug Frentzel	" "	Doug Frentzel

Printed Name	Address	Signature
Amy Nulik	6709 W 34th St N	
Eric Robison	6709 W 34th St N	
Kristy Cloud	6701 W. 34th St N	Kristy R Cloud
Trisha Berry	3413 N Hazelwood	
Randy Berry	3413 N HAZELWOOD	
Julie Wagner	3406 N HAZELWOOD CT	
Jaime Campbell	3430 N. Hazelwood Ct	
Jason Cloud	6701 W. 34th St N	
Danny DeNayer	6613 W. 34th St. N.	
Autumn DeNayer	6613 W. 34th St. N.	

Printed Name	Address	Signature
KARL RUUD	6213 W. BROOKVIEW	Karl Ruud
VERONNE RUUD	6213 W. BROOKVIEW	Veronne Ruud
Ann Turner	6310 W. Brookview	Ann Turner
Ken Turner	6310 W. Brookview	Ken Turner
Nalu Paraman	6302 W. Brookview	Nalu Paraman.
Mark W. Allen	3416 N. Ridge Port	Mark W Allen
John Hornback	6222 W. 34th Ct.	John Hornback
Jane Hornback	6222 W. 34th Ct.	Jane Hornback
Caidyn Siebert	3507 Lakeway St.	
Marcela K Valera	3722 N. Ridge Port Ct	

Printed Name	Address	Signature
LEIGH Tinkham	6214 Brookview	
Lori Tinkham	6214 Brookview	
Lexi Tinkham	6214 Brookview	
JAMES F. DAVIS	6209 BROOKVIEW	
Christopher M. Martin	6206 W. Brookview	
JASON R STEUBER	6301 W. BROOKVIEW	
Mark C. Zorn	6305 W. Brookview	
Madi Zorn	6305 W. BROOKVIEW	
Rebecca Honeyman	6306 W Brookview	
Scott Stebens	6219 Northwind Ct	
Travis Stuckey	6210 W Brookview	
[illegible]	6210 Brookview	

Printed Name	Address	Signature
Aaron & Chriss Brown	3511 N. Lakeway	Christa M. B
Nathan Byer & Amy Byer	3580 N Lakeway	
Kevin & Melanie Brown	6013 W Brookview	
Shandi Husen	6014 W. Brookview Ct	
Joey D Husen	6014 W Brookview Ct	Husen
Brian & Vanessa McKinney	6018 W Brookview Ct	
Gwen & Tim Krier	6046 W Brookview Ct.	
Aharon Strecker	6050 W Brookview Ct	Strecker
Shane McWhorter	6042 W. Brookview Ct	
Jerome Cottner	6026 West Brookview	150714
Drew & Lindsay Fawcett	6005 W. Brookview St.	Lindsay Fawcett
Terry & Sandra Siebert	3507 N. Lakeway	Sandra Siebert

Printed Name	Address	Signature
Ted Tigard	6010 W. Brookview St.	Ted Tigard
Janice Nelson	6006 W. Brookview	Janice Nelson
Michele Downing	6002 W. Brookview	Michele Downing
JEN WILSON	6013 W 34th	J Wilson
Sam Wilson	6013 W. 34th	Sam Wilson
Tam Le	6025 W. 34th	Tam Le
ARMANDO MICHEL	6014 W. 34TH ST	[illegible]
Aaron Simmons	6029 W 34th St. N	[illegible]
Kendra Simmons	6029 W 34th St. N.	Kendra Simmons
Julie Coon	6101 W34thSt N	[illegible]
Ngoc Van	6105 W. 34th St N	[illegible]
Marilyn Chance	6109 W. 34th St	Marilyn Chance

Printed Name	Address	Signature
Craig Chance	6109 W. 34th St N.	Craig Chance
Teresa Brungardt		
Teresa Brungardt	6205 W 34th St N.	Teresa Brungardt
Darrin Brungardt	6205 W 34th St N	[illegible]
Alicia Hart	6209 W 34th St. N	Alicia Hart
David C. Hart	6209 W 34th St. N	David C Hart
Chris McCarty	6313 W 34th ST N	[illegible]
Willie Robinson	3411 N. Ridge Port St.	Willie Robinson
Wayne Spriggs	3415 N. Ridgeport St.	[illegible]
Walt McKaiL	3509 N. Ridge Port St.	[illegible]
Amal z. McKaeif	3505 N. Rivdge port st.	Amal McKaeif
Gerald Riley	3506 N. Lakeway	Gerald Riley
Nita Cole	3506 N. Lakeway	Nita Cole

Printed Name	Address	Signature
MIKAEL AFSHARPour	6109 W. Brookview	[illegible]
Shirin Sadeghi	6109 W Brookview	[illegible]
Lori Riley	6101 W Brookview	[illegible]
[illegible] Schrag	6105 W. Brookview	[illegible]
Christine Schrag	6105 W Brookview	[illegible]
Eric E. Nordberg	3514 N Lakeway	[illegible]

Printed Name	Address	Signature
Bryan Parks	3602 N. Ridgeport	Bryan Parks
Ron Cornell	3606 N. Ridge Port	[illegible]
Lance H. Brown	6511 W. Brookview St	Lance H. Brown
Kama Crockett	6611 W Brookview	Kama Crockett
MARY K VAUGHN	6202 W BROOKVIEW ST	Mary K Vaughn
Gina Mertes	6304 W. Brookview Ct.	Gina Mertes
Wesley Waren	6038 W. Brookview ct.	[illegible]
michelle m'cann	6022 W. Brookview ct	[illegible]
Jase Wedel	6009 W 34th N.	[illegible]

AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY

STAFF REPORT

MAPC July August 20, 2015
DAB V September 14, 2015

CASE NUMBER: ZON2015-00031

OWNER/APPLICANT: Esther M. Wallace (owner) Baughman Company, P.A., c/o Russ Ewy (agent)

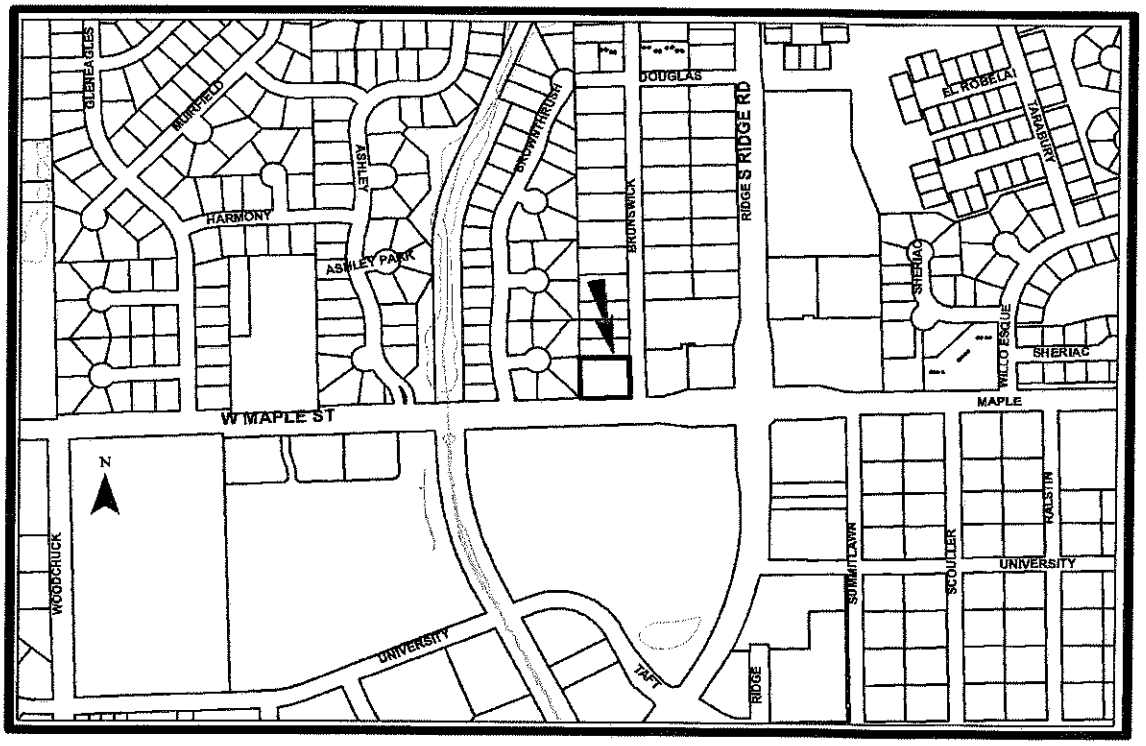
REQUEST: NR Neighborhood Retail

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: Approximately 0.70-acres

LOCATION: Located one-block west of Ridge Road on the northwest corner of Brunswick and Maple Streets (7324 W. Maple St.)

PROPOSED USE: Non-Residential uses



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential to GO General Office on the platted 160 foot (x) 187 foot (0.70-acres) site. The site is a corner lot located one-block west of Ridge Road on the northwest corner of Brunswick and Maple Streets. The site's one story, brick, ranch style house's (built 1948) front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location. The site has large mature deciduous trees located throughout it, including a hedge like line of mature trees running parallel to its west property line.

SF-5 zoned neighborhoods abut the north and west sides of the SF-5 site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by the noted hedge like line of mature trees and their subdivision's six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the subject site. A LC Limited Commercial zoned small Horton's carpet store (built 1996), small commercial strip with gas pumps (built 1983) and an Outback full service restaurant (built 1999) are located east of the site, across Brunswick Street; Z-2337, Z-3162, and Z-3237. The 0.68-acre carpet store and 0.70-acre commercial strip sites present a similar scale of commercial development that could occur on the 0.70-acre subject site, if the zoning is approved. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings. Based on the built dates (as shown on the Sedgwick County Appraiser's information) the subject site's one story, brick, ranch style house (built 1948) is one of the oldest, if not the oldest building in the area; pre Unified Zoning Code (UZC), pre 1958 County zoning within a three mile-ring of the city.

CASE HISTORY: The site is described as the South 160 feet of Lot 9, Block D, Westview Addition. The Westview Addition was recorded with the Register of Deeds on February 11, 1953. The site was annexed into the city between 1961 and 1970.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residences
SOUTH: LC, GC	Big box home improvement, big box retail
EAST: LC	Carpet sales, small commercial strip, convenience store, restaurant
WEST: SF-5	Single-family residences

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access/a drive onto Brunswick Street, a paved two-lane local street which intersects with Maple Avenue, a paved four-lane arterial, with two center-turn lanes at this location. The site also access/a drive onto Maple Avenue.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "urban residential" uses. The urban residential category

encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The site's current SF-5 zoning allows single-family residences, schools, churches, and parks and is appropriate for the urban residential category. The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation lessens the appeal of the site's single-family residence.

The NR zoning district is generally compatible with the "local commercial" or "urban development mix" designations of the Wichita-Sedgwick County Comprehensive Plan. The urban development mix category has uses that are predominately found in the urban residential category, such as single-family residential, duplexes, apartments, schools, parks, churches and similar residential-serving uses. The urban development mix category also could be developed with local commercial uses, major institutional uses and park and open spaces. The urban development mix category contains land that is likely to be developed or redeveloped within the next 30-years. The Maple Street – Ridge Road intersection (and south of Ridge to Kellogg) has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades.

The NR zoning district also allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

RECOMMENDATION: Approving the zoning request moves commercial zoning further west, across Brunswick Street, a paved two-lane local street. If approved, commercial zoning would abut SF-5 zoned single-family residences/neighborhoods. Future commercial zoning requests in the immediate area could be on the north abutting property, leading to a possible expansion of the subject site, further encroaching into the SF-5 zoned neighborhood; staff would not support a future request to expand commercial zoning to the north or the west.

The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation may lessen the appeal of the site's single-family residence. The subject site's one story, brick, ranch style house, built 1948, is one of the oldest, if not the oldest building in the area. The site's single-family residence is pre-1958 County zoning within a three mile-ring of the city (which shows all of this discussed area as suitable for suburban residential), pre-1961-1970 annexation into the city and pre- Unified Zoning Code (UZC). The site, with its Maple Street frontage, is located one-block (approximately 330 feet) west of Ridge Road. Commercial development is now the dominate feature of the Maple Street – Ridge Road intersection.

The requested NR zoning is more restrictive then the adjacent east (across Brunswick Street) and south (across the arterial Maple Avenue) LC and GC zoned commercial developments. If today's request is approved, commercial development on the 0.70-acre site would be of a similar

scale as the east adjacent LC zoned 0.68-acre carpet store and 0.70-acre commercial strip sites. Compatibility setback, height and light standards will apply to the development of the site. The provisions of a protective overlay could limit the uses permitted by right in the NR zoning district.

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

(1) Permitted uses are automated teller machine, bank or financial institution, general office, personal care service general retail, personal improvement service, a medical office, and a 2,000-sqaure foot full service restaurants (no drive through windows or curb side service)
(2) The hedge like line of mature trees running parallel to the site's west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. An eight-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.
(3) Compatibility setback, height and light standards and all applicable USC standards will apply to the development of the site. A drainage plan must be approved by the Public Works.
(4) No parking or lighting within the rear and interior side yard setbacks.

This recommendation is based on the following findings:

(1)The zoning, uses and character of the neighborhood: SF-5 zoned neighborhoods abut the north and west sides of the SF-5 site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by the noted hedge like line of mature trees and their subdivision's six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the subject site. A LC Limited Commercial zoned small Horton's carpet store (built 1996), small commercial strip with gas pumps (built 1983) and an Outback full service restaurant (built 1999) are located east of the site, across Brunswick Street; Z-2337, Z-3162, and Z-3237. The 0.68-acre carpet store and 0.70-acre commercial strip sites present a similar scale of commercial development that could occur on the 0.70-acre subject site, if the zoning is approved. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings. Based on the built dates (as shown on the Sedgwick County Appraiser's information) the subject site's one story, brick, ranch style house (built 1948) is one of the oldest, if not the oldest building in the area; pre Unified Zoning Code (UZC), pre 1958 County zoning within a three mile-ring of the city.

(2) The suitability of the subject property for the uses to which it has been restricted: The site's current SF-5 zoning allows single-family residences, schools, churches, and parks by right. The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection. The site's orientation towards Lowes and Target lessens the appeal of the site's single-family residence.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: Approving the zoning request moves commercial zoning further west, across Brunswick Street, a paved two-lane local street. If approved, commercial zoning would abut SF-5 zoned single-family residences/neighborhoods. Future commercial zoning requests in the immediate area could be on the north abutting property, leading to a possible expansion of the subject site, further encroaching into the SF-5 zoned neighborhood. The requested NR zoning is more restrictive then the adjacent east (across Brunswick Street) and south (across the arterial Maple Avenue) LC and GC zoned commercial developments. If today's request is approved, commercial development on the 0.70-acre site would be of a similar scale as the east adjacent LC zoned 0.68-acre carpet store and 0.70-acre commercial strip sites. Compatibility setback, height and light standards will apply to the development of the site. The provisions of a protective overlay could limit the uses permitted by right in the NR zoning district.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide Map" depicts the site as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The site's current SF-5 zoning allows single-family residences, schools, churches, and parks and is appropriate for the urban residential category. The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation lessens the appeal of the site's single-family residence.

The NR zoning district is generally compatible with the "local commercial" or "urban development mix" designations of the Wichita-Sedgwick County Comprehensive Plan. The urban development mix category has uses that are predominately found in the urban residential category, such as single-family residential, duplexes, apartments, schools, parks, churches and similar residential-serving uses. The urban development mix

category also could be developed with local commercial uses, major institutional uses and park and open spaces. The urban development mix category contains land that is likely to be developed or redeveloped within the next 30-years. The Maple Street – Ridge Road intersection (and south of Ridge to Kellogg) has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades.

The NR zoning district also allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

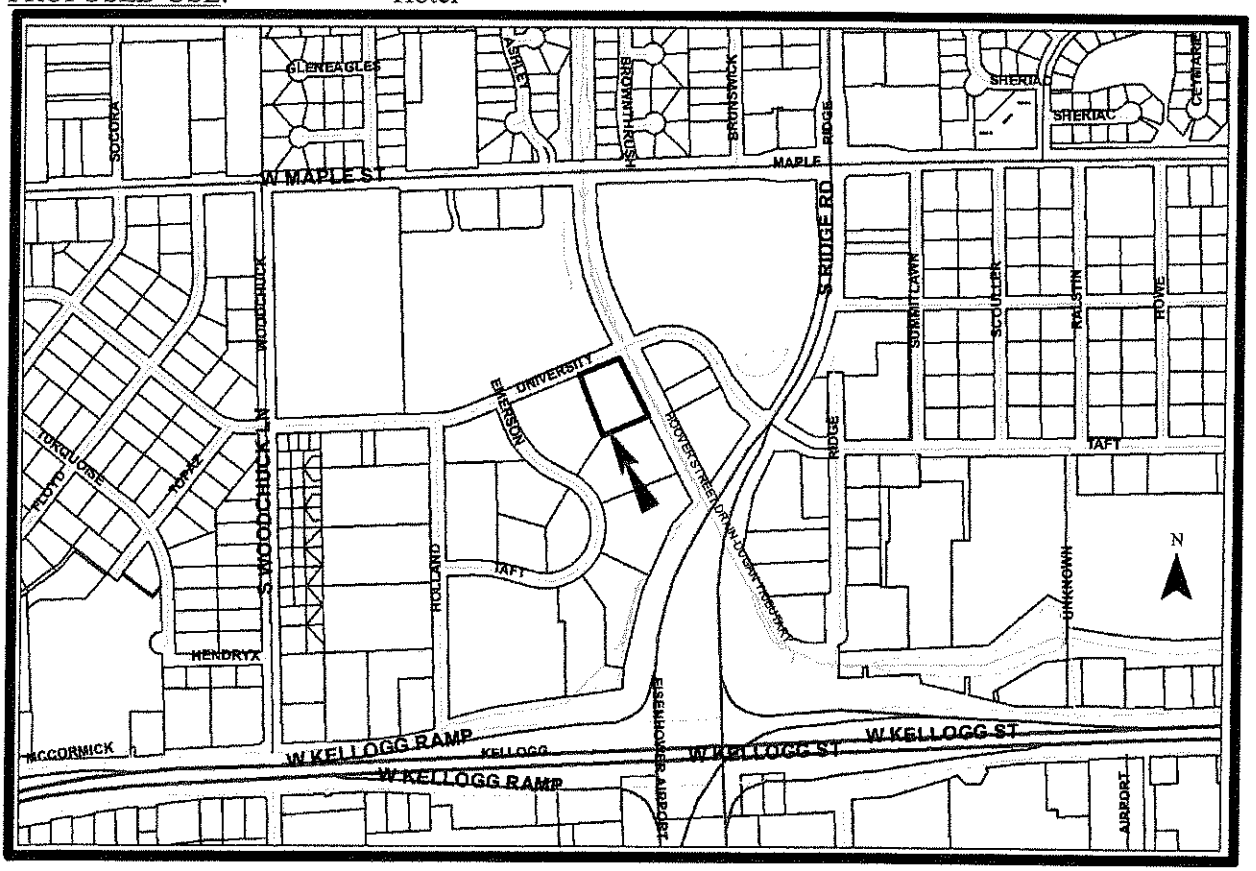
(5) Impact of the proposed development on community facilities: There will be minimal impact on community facilities.

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT
MAPC 8-20-2015
DAB IV 9-14-2015

CASE NUMBER:	CUP2015-00023
APPLICANT/AGENT:	Invista Hospitality, LLC (Jason Madhu) and 7601 W University, LLC / Kaw Valley Engineering, Inc., (Tim Austin)
REQUEST:	Amendment to Parcel 14 of the Ridge Plaza Community Unit Plan DP-37 to permit a hotel and to increase the gross square footage from 34,242 to 50,000 square feet
CURRENT ZONING:	General Commercial (GC) subject to the developments standards contained in the Ridge Plaza Community Unit Plan DP-37
SITE SIZE:	1.57 acres
LOCATION:	840 feet South of West University Avenue, 1,575 feet east of South Woodchuck Lane (North of West U. S. Highway 54/400 Kellogg Avenue, west of Eisenhower Airport Parkway)
PROPOSED USE:	Hotel



BACKGROUND: The applicant is requesting an amendment to Parcel 14 of the Ridge Plaza Community Unit Plan (CUP) DP-37 to permit a four-story (approximately 48-feet) hotel and to increase the gross floor area to 48,242 square feet. The application area is located 840 feet South of West University Avenue, 1,575 feet east of South Woodchuck Lane (North of West U. S. Highway 54/400 Kellogg Avenue, west of Eisenhower Airport Parkway). The subject property is currently undeveloped.

Parcel 14 is zoned General Commercial (GC) and permits the following uses: service and retail commercial, offices, financial institutions, medical offices and clinics, restaurants, private clubs, theaters, racquetball, tennis and health club facilities and manufacturing. According to the current CUP Parcel 14 contains 1.57 acres and permits: 20,546 square feet of building coverage, 34,242 square feet of gross floor area and a maximum building height of 80 feet. The application area is located in Area A of the Wichita Airport Hazard Zoning Map that limits heights to 25 feet or less, unless taller heights are approved by the Federal Aviation Authority. The property is platted as Lot 3, Block B, Ridge Plaza 8th Addition, recorded in April, 1982. The plat shows a 35-foot building setback along the north and east property lines. A 20-foot utility easement is shown on north property line, abutting University Avenue. A 20-foot utility easement is also shown on the plat along the west property line; however, that easement has been subsequently vacated. General Provision 20 contemplated that Parcels 14, 15, 16 and 17 might be uses as a single parcel. If any of the parcels were to be used individually, the parcel was limited to the maximum building coverage and maximum gross floor area allotted to the specific parcel. Parcels 14, 15, 16 and 17 are restricted to Office Warehouse (OW) outdoor storage standards (General Provision 21). Parcels 14, 15, 16 and 17 are to conform to the signage restrictions of the OW district. No off-site or portable signs shall be permitted. No signs with moving, flashing or rotating features are permitted. Signs that create the illusion of movement are not permitted (General Provision 22).

Land located to the west and south of the application area is zoned GC. The parcels to the west (Parcels 15 and 17, DP- 37) are developed with a manufacturing use. Land located to the south (Parcels13, DP-37) is developed with furniture/home furnishings store/warehouse and two four-story hotels/motels. Land located east of the application area is an un-zoned 110-foot wide drainage ditch. East of the drainage ditch are two parcels, (Parcel 8 and 9, DP-37) both of which are zoned LC Limited Commercial and developed with retail or commercial uses. Land to the north (DP-270), across West University Avenue, is zoned LC, and is developed with a big box store. The application area is part of a larger commercial area that has been developing since 1970. The subject site has its most direct access to an arterial street, Eisenhower Airport Parkway, via West University Avenue and Taft Street.

CASE HISTORY: In 1970 the CUP and its zoning were approved subject to platting. In 1980 the CUP was amended (File #1) to revise parcel boundaries, modify parcel descriptions and to remove land from the CUP that was sold for school use. In 1990 an administrative adjustment dealing with parking on Parcel 1 was granted. In 1997 an administrative adjustment for Parcels 5, 6 and 7 (Lowe's Home Improvement Store) to reduce building setback, modify access controls, reconfigure parcel boundaries and modify landscaping requirements was granted. In 1998, CUP DP-37 Amendment #1 and zone change Z-3305 was approved for Parcel 5 (Lowe's Home Improvement Store) to allow outside storage and rezoned certain land from LC to GC. In 1999 an administrative adjustment was granted that created Parcel 3A out of Parcel 3 and modified landscaping requirements. In 2000 an administrative adjustment dealing with signage requirements was granted. A second administrative adjustment was approved to create a smaller parcel from Parcel 1 to create a restaurant pad site. Also in 2000 an amendment to permit a wireless communication tower was denied (CUP2000-00046).

ADJACENT ZONING AND LAND USE:

North: LC; big box store

South: GC; home furnishings store/warehouse, two four-story hotels/motels
East: LC; retail, commercial
West: GC; manufacturing

PUBLIC SERVICES: University Avenue has a full 70 feet of street right-of-way. Sanitary sewer, water and other city supplied services are either available to the site or can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide Map depicts the site as appropriate for "regional commercial" uses. This category encompasses major destination areas containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic. These uses are located in close proximity to major arterials or freeways. The range of uses includes: major retail malls, major automobile dealerships and big box retail outlets.

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

1. Prior to the issuance of a building permit, the applicant shall submit to the FAA a Form FAA 7460-1 "Notice of Proposed Construction or Alteration," and receive from the FAA a formal written "Determination of No Hazard to Air Navigation" demonstrating no adverse impact, no safety hazards, and no other risks to air navigation approaches.
2. The applicant shall submit four revised copies of the approved CUP to Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be denied.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the west and south of the application area is zoned GC. The lot to the west (Parcels 15 and 17, DP- 37) is developed with a manufacturing use. Land located to the south (Parcels13, DP-37) is developed with furniture/home furnishings store/warehouse and two four-story hotels/motels. Land located east of the application area is an un-zoned 110-foot wide drainage ditch. East of the drainage ditch are two parcels, (Parcel 8 and 9, DP-37) both of which are zoned LC Limited Commercial and developed with retail or commercial uses. Land to the north (DP-270), across West University Avenue, is zoned LC, and is developed with a big box store. The application area is part of a larger commercial area that has been developing since 1970. The subject site has its most direct access to an arterial street, Eisenhower Airport Parkway, via West University Avenue and Taft Street.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned GC subject to the development standards associated with CUP DP-37 and particularly with Parcel 14. Selected development standards for Parcel 14 include: permitted uses are service and retail commercial, offices, financial institutions, medical offices and clinics, restaurants, private clubs, theaters, racquetball, tennis and health club facilities and manufacturing. Parcel 14 contains 1.57 acres and permits: 20,546 square feet of building coverage, 34,242 square feet of gross floor area and a maximum building height of 80 feet. The proposed hotel/motel would be compatible with permitted uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Two other four-story hotels/motels already exist south of the application area. From a land use perspective,

the addition of a third hotel/motel will not detrimentally impact nearby properties.

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 another hotel/motel to the community thereby adding to the community's ability to accommodate visitors and others needing hotel/motel accommodation. Denial would presumably be a loss of economic opportunity for the land owner or hotel developer.

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. This category encompasses major destination areas containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic. These uses are located in close proximity to major arterials or freeways. The range of uses includes: major retail malls, major automobile dealerships and big box retail outlets.

6. Impact of the proposed development on community facilities: None identified. Community facilities are either available to the site or can be extended to serve the property.

AMENDED RIDGE PLAZA COMMUNITY UNIT PLAN

CUP 2015-23 MAPC 8-20-15

LEGEND

- PARCEL BOUNDARY
- PARCEL NUMBER (6)
- 10' PLANTING STRIP
- 6'-8' SCREEN WALL
- LIMITS OF C.U.P.

SCALE: 1" = 100'

GENERAL PROVISIONS

1. THIS PROPOSED DEVELOPMENT CONTAINS 105.154 GROSS ACRES; 88. 93.84 NET ACRES EXCLUSIVE OF PUBLIC STREETS AND DRAINAGE RIGHT-OF-WAY.

2. THERE SHALL BE COMPLETE ACCESS CONTROL ALONG BOTH SIDES OF RIDGE ROAD, EXCEPT FOR ONE (1) OPENING TO PARCEL 5 AND ONE (1) OPENING TO PARCEL 6 IN THE LOCATION AS SHOWN ON THE PLAN.

   ACCESS OPENINGS TO MAPLE STREET SHALL BE LIMITED TO THE FOLLOWING:

   TWO (2) OPENINGS FOR PARCEL 3A

   ONE (1) OPENING FOR PARCEL 7

   TWO (2) OPENINGS FOR PARCEL 6 IN THE LOCATIONS INDICATED ON THE PLAN. THE 61 FOOT OPENING SHALL BE CONSTRUCTED TO MEET ENTRANCE STANDARDS AND PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS ON PARCEL 7, THE CONSTRUCTION OF THE ENTRANCE AND [illegible] LANE SHALL BE GUARANTEED.

   THERE SHALL BE COMPLETE ACCESS CONTROL ALONG U.S. 54 HIGHWAY (KELLOGG) EXCEPT FOR HOLLAND STREET. ACCESS TO PARCELS SHALL ALSO BE PERMITTED FROM THE ADJACENT STREETS EXCEPT AS INDICATED ON THE PLAN.

3. MINIMUM FRONT YARD SETBACKS ARE AS SHOWN ON THE PLAN. IF SIDE AND REAR YARD SETBACK LINES ARE NOT SHOWN ON THE PLAN, THEY SHALL BE AS PROVIDED FOR IN THE ZONING ORDINANCE. NO SETBACK SHALL BE REQUIRED BETWEEN LOTS WHERE THE (1) OR MORE CONTAINING LOTS ARE DEVELOPED AS ONE (1) PROJECT, THE BUILDING SETBACK LINE FROM THE REAR PROPERTY LINE OF PARCEL 4 BE REDUCED TO 10 FEET. (Plans for siting approved on file)

4. a. SCREENING AND LANDSCAPING - A PLANTING STRIP AS INDICATED ON THE PLAN, EXCEPT FOR POINTS OF INGRESS AND EGRESS, SHALL BE PROVIDED AND MAINTAINED BY THE OWNER AND MAINTAINED NOT LESS THAN TEN (10) FEET IN WIDTH, AND SHALL BE OF SUCH A TYPE, AND MAINTAINED IN SUCH A MANNER, THAT IT REASONABLY AND REASONABLY THE ADJACENT RESIDENTIAL AREAS. A LANDSCAPE PLAN, PREPARED BY A REGISTERED ARCHITECT, FOR THE PLANTING STRIP, INDICATING THE LOCATIONS, TYPE AND SPECIFICATIONS OF PLANT MATERIALS, SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS(S) ON THE PARCEL(S) INVOLVED. (See Adm. Adjust. dated 07-20-87 for defined landscaping for Parcels 3-7)

   b. A SOLID OR SEMI-SOLID WALL TO PREVENT THE PASSAGE OF DEBRIS OR LIGHT CONSTRUCTED OF BRICK, STONE, CONCRETE, OR OTHER SIMILAR MATERIAL (NOT INCLUDING WOOD, WIRE OR MESH) AT LEAST FIVE (5) FEET BY NOT MORE THAN EIGHT (8) FEET HIGH SHALL BE CONSTRUCTED ALONG THE PROPERTY LINE BETWEEN PARCEL 23 AND 28 AS SHOWN ON THE PLAN IF PARCEL 28 IS DEVELOPED UNDER THE RESIDENTIAL CLASSIFICATION. THIS WALL SHALL BE CONSTRUCTED ON PARCEL 28 AND BE AT THE EAST OF PARCEL 23.

   c. THE EAST SIDE OF ANY BUILDING CONSTRUCTED ON PARCELS SHALL BE CONSTRUCTED OF BRICK, STONE, CONCRETE, OR OTHER SIMILAR MATERIAL TO PROVIDE SCREENING FOR THOSE PARCELS ADJACENT TO THE EAST.

5. ALL SIGNS SHALL BE IN ACCORDANCE WITH LIMITATIONS AND REQUIREMENTS OF THE SIGNAGE ORDINANCE.

6. Off-street parking for all permits shall be in accordance with Section 26.04, Art. of the Code of the City of Wichita, except for parking facilities for Parcel 3a (Parcel 3 is now Parcels 3 and 3A) which shall be in accordance with Section 26.04 of the Code of the City of Wichita. (See Administrative Adjustment dated 07-20-87 and Administrative Adjustment dated 06-06-88, initialed 06-06-88)

7. FINAL DRAINAGE PLANS MAY SHALL BE DETERMINED AT THE TIME OF PLATTING, AND A DRAINAGE PLAN SHALL BE SUBMITTED FOR APPROVAL BY THE DEPARTMENT OF PUBLIC WORKS AT THAT TIME. DRAINAGE COSTS SHALL BE GUARANTEED BY THE DEVELOPER AT THE TIME OF PLATTING.

8. PROVIDE 5'-6' HIGH SOLID WALL. MAINTAIN OFFSET TO 3' BETWEEN THE PROPERTY LINE AND THE 25' SETBACK LINE. THIS WALL SHALL BE CONSTRUCTED ON PARCELS 22, 23 AND 28.

9. PROVIDE 20' WIDE PLANTING SCREEN ONLY IF PARCEL 25 AND/OR PARCEL 26 IS DEVELOPED AS APARTMENTS. THIS PLANTING SCREEN SHALL BE CONSTRUCTED ON PARCEL [illegible]. NO PLANTING STRIP SHALL BE REQUIRED ON THE NORTH 150' FROM THE NORTH BOUNDARY OF PARCEL 25.

PARCEL DESCRIPTIONS

PARCEL 1

Proposed Uses - Retail and service commercial, offices, medical office and clinics, restaurants, private club, theater.
Net Area - 5.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or 1,[illegible] sq. ft.
Maximum Gross Floor Area - .30, or 33,[illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 2

Proposed Uses - Retail and service commercial, offices, medical offices and clinics, restaurants, private club, theater, financial institutions.
Net Area - 3.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or 30,[illegible] sq. ft.
Maximum Gross Floor Area - .30, or 87,[illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 3

Proposed Uses - Retail and service commercial, hotel and motel, offices, restaurant, private club, medical offices and clinics, financial institutions.
Net Area - [illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30 or [illegible] sq. ft.
Maximum Gross Floor Area - .30 or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 4

Proposed Uses - Retail and service commercial, offices, restaurant, private club, financial institutions, laboratories and medical clinics, service stations.
Net Area - 2.57[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 5

Proposed Uses - Retail and service commercial, offices, medical offices, service stations, restaurant, private club, financial institutions, and medical clinics (which that portion zoned "OO", subject to being conservative to 52 ft. setbacks with block length and being limited to do-block or greater than 30 ft. of the front area as shown on the site plan approved as part of the Amendment dated 11-13-86).
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

NOTE: Parcels 6 and 7 were approved with Parcel 5 via an Administrative Adjustment dated 7-20-87.

PARCEL 8

Proposed Uses - Service and retail commercial, offices, service stations, financial institutions, restaurant, hotel and motel, private club, medical clinics and offices
Net Area - 3.[illegible] acres, or 3[illegible] sq. ft.
Maximum Building Coverage - .30, or 7[illegible] sq. ft.
Maximum Gross Floor Area - .30, or 63,[illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 9

Proposed Uses - Institutional, service and retail commercial, laboratories and clinics, offices, restaurants, private clubs, hotel and motel
Net Area - 1.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 10

Proposed Uses - Service and retail commercial, hotel and motel, restaurant, private club, offices, service stations, medical offices and clinics
Net Area - 7.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .90, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 11a

Proposed Uses: Animal Care (Generally Construction Sales and Service; Convenience Store; Financial Institution; Hotel and Motel; Manufacturing (Light); Medical Service; Office; Service or Repair Establishment; Office (Generally; Personal Care Service; Personal Improvement Service; Recreation and Entertainment (Indoor); Restaurant; Retail (General); Self-Storage; Warehouse; Vehicle Repair (Generally); Vehicular Sales; Manufacturing; Wholesale or Business Service.
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

PARCEL 11b

Proposed Uses: Animal Care (Generally Construction Sales and Service; Convenience Store; Financial Institution; Hotel and Motel; Manufacturing (Light); Medical Service; Office; Service or Repair Establishment; Office (Generally; Personal Care Service; Personal Improvement Service; Recreation and Entertainment (Indoor); Restaurant; Retail (General); Self-Storage; Warehouse; Vehicle Repair (Generally); Vehicular Sales; Manufacturing; Wholesale or Business Service.
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

PARCEL 12

Proposed Uses: Animal Care (Generally Construction Sales and Service; Convenience Store; Financial Institution; Hotel and Motel; Manufacturing (Light); Medical Service; Office; Service or Repair Establishment; Office (Generally; Personal Care Service; Personal Improvement Service; Recreation and Entertainment (Indoor); Restaurant; Retail (General); Self-Storage; Warehouse; Vehicle Repair (Generally); Vehicular Sales; Manufacturing; Wholesale or Business Service.
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

PARCEL 13

Proposed Uses: Animal Care (Generally Construction Sales and Service; Convenience Store; Financial Institution; Hotel and Motel; Manufacturing (Light); Medical Service; Office; Service or Repair Establishment; Office (Generally; Personal Care Service; Personal Improvement Service; Recreation and Entertainment (Indoor); Restaurant; Retail (General); Self-Storage; Warehouse; Vehicle Repair (Generally); Vehicular Sales; Manufacturing; Wholesale or Business Service.
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

PARCEL 14

Proposed Uses - Service and retail commercial, offices, restaurant, private club, medical offices and clinics, financial institutions, racquetball, tennis and health club facility.
Net Area - 0.7[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 15

Proposed Uses - Service and retail commercial, offices, restaurant, private club, medical offices and clinics, financial institutions, racquetball, tennis and health club facility, and manufacturing.
Net Area - 0.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 16

Proposed Uses - Service and retail commercial, offices, medical laboratories and clinics, restaurant, private club, service stations, financial institutions, tennis, racquetball and health club facility, and manufacturing.
Net Area - 0.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 17

Proposed Uses - Offices, motor hotel, service and retail commercial, restaurant, private club, financial institutions, medical offices and clinics, racquetball, tennis and health club facility, and manufacturing.
Net Area - 1.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 18

Proposed Uses: Animal Care (Generally Construction Sales and Service; Convenience Store; Financial Institution; Hotel and Motel; Manufacturing (Light); Medical Service; Office; Service or Repair Establishment; Office (Generally; Personal Care Service; Personal Improvement Service; Recreation and Entertainment (Indoor); Restaurant; Retail (General); Self-Storage; Warehouse; Vehicle Repair (Generally); Vehicular Sales; Manufacturing; Wholesale or Business Service.
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

PARCEL 19

Proposed Uses: Animal Care (Generally Construction Sales and Service; Convenience Store; Financial Institution; Hotel and Motel; Manufacturing (Light); Medical Service; Office; Service or Repair Establishment; Office (Generally; Personal Care Service; Personal Improvement Service; Recreation and Entertainment (Indoor); Restaurant; Retail (General); Self-Storage; Warehouse; Vehicle Repair (Generally); Vehicular Sales; Manufacturing; Wholesale or Business Service.
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

PARCEL 20

Proposed Uses: Animal Care (Generally Construction Sales and Service; Convenience Store; Financial Institution; Hotel and Motel; Manufacturing (Light); Medical Service; Office; Service or Repair Establishment; Office (Generally; Personal Care Service; Personal Improvement Service; Recreation and Entertainment (Indoor); Restaurant; Retail (General); Self-Storage; Warehouse; Vehicle Repair (Generally); Vehicular Sales; Manufacturing; Wholesale or Business Service.
Net Area: [illegible] acres or [illegible] sq. ft.
Maximum Building Coverage: [illegible]
Maximum Gross Floor Area: [illegible]
Maximum Building Height: [illegible]

PARCEL 21

Proposed Uses - Offices, medical offices and clinics, service and retail commercial, financial institutions, restaurant, private club
Net Area - 6.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 22

Proposed Uses - Offices, medical offices, service and retail commercial, financial institutions, restaurant, private club, racquetball, tennis and health club facility.
Net Area - 7.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 23

Proposed Uses - Commercial uses, laboratories and medical clinics, professional offices.
Net Area - 4.[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 24

Proposed Uses - Commercial uses, motor hotel, mobile home sales subject to SUA approval, automotive agencies subject to SUA approval with body shop subject to "D" parking approval.
Net Area - [illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 25

Proposed Uses - Commercial uses, motor hotel, mobile home sales subject to SUA approval, automotive agencies subject to SUA approval with body shop subject to "D" parking approval.
Net Area - 6.6[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet

PARCEL 26

Proposed Uses - Residence
Net Area - 2.46[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 35 feet, or 3 stories

PARCEL 27

Proposed Uses - Residence
Net Area - 1.26[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 35 feet, or 3 stories

PARCEL 28

Proposed Uses - Residence
Net Area - .73[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 35 feet, or 3 stories

PARCEL 29

Proposed Uses - Commercial uses, motor hotel, mobile home sales subject to SUA approval, automotive agencies subject to SUA approval with body shop subject to "D" parking approval.
Net Area - 2.67[illegible] acres, or [illegible] sq. ft.
Maximum Building Coverage - .30, or [illegible] sq. ft.
Maximum Gross Floor Area - .30, or [illegible] sq. ft.
Maximum Building Height - 90 feet
Sign Height - 31 feet - one (1) on U.S. 54 Highway Frontage Road, subject to Board of City Commission approval.

GENERAL PROVISIONS (continued)

12. Permits 11, 12, 13, 14, 15, 16, and 22 must conform to the standards in "OO" Office Districts, Sec. 5-[illegible] Outdoor Lighting.

13. Permits 23, 24, and 25 shall conform to signage standards of the "OO" Office Districts unless further limited and Permits 17a, 17b, 17 and 18 of "LC" Limited Commercial shall apply. No off-site or pylon signs shall be permitted. No signs with moving, flashing, rotating signs or signs that emit smoke shall be located or permitted (See Administrative Adjustment 09-09-88). Pylon Visibility be permitted to maintain the height of a pylon sign from that natural elevation that allows the height of the top of the highway ceiling or underpass to be visible from a point on center line of the right-of-way of a point approximately 50 feet from the sign (See Administrative Adjustment 09-09-88 and 07-20-87). The maximum permissible sign height, display area, display area, display or display area shall be the height of intersection or underpass. No other signage shall be allowed on Parcel 24.

14. A landscaped island area shall be provided in Parcels 11and 12 where the driveway line exists the Ridge Road or Holland right-of-way. This landscaped island area shall consist of a minimum planting area of [illegible] square feet and a minimum distance of [illegible] feet from the right-of-way.

15. Buildings and outdoor areas on lots abutting the rear property of Arbaugh and Hilton Road be planted and designed to provide a positive visual barrier to materials along their shares. Outdoor of buildings that are visible from these roads shall be architecture of brick, stone, or other similar materials, with plants within sight and be maintained by the property owner. Outdoor equipment and outdoor buildings, with, and storage areas but are visible from these roads shall be screened from view unless it would be physically impossible due to grade differences, in which circumstances of the planned and maintained as necessary to screen these areas. All parking areas must be approved by the Planning Director as in compliance with these requirements.

16. The development of the 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.

17. Any major changes in this development plan shall be submitted to the Planning Commission first for the Governing Body for their consideration.

18. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a transgression of the plan or any portion thereof, but such plan shall run with the land to encourage development and be binding upon the grantee thereof, their successors and assigns, unless amended.

19. The applicant shall submit 3 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 30 days after approval of the same by the Governing Body, or the original shall be considered void and closed.

20. Staff and applicant were directed to discuss and tentatively agree upon terms for and by ownership per Condition 20 prior to the date being forwarded to the Wichita City Council for final action.

21. Permits 14-17, The sum of Permits 14, 15, 16 and 17 for a single combined plant, with signed to maximum building coverage and gross gross floor area as long as the parties and held to single ownership and management or operation contiguous to a single site. Compatible easements of ingress and egress shall be provided for the mutual benefit of the property owners and control the maximum building coverage and maximum gross floor area maximums of the Ordinance. Permits 14-17 shall be considered as one for purposes of Sec. 5-[illegible] Compatible easements to allow for proper ingress and egress. (per Administrative Adjustment CUP-20-07-87 dated 10-20-87, initialed 10-21-87)

22. Permits 14, 15, 16 and 17 shall conform to the standards in OW Office Districts ("OW"), Sec. 5-[illegible] (f) Outdoor Lighting.

23. Permits 14, 15, 16 and 17 shall conform to signage standards of the OW Office Districts ("OW") except signs that exceed the standard of square feet shall be allowed. The signs with moving, flashing, rotating signs or signs that emit smoke shall be prohibited.

prints issued
AMENDED 2-27-80
CITY COMM.
APPROVAL 3-18-80
revisions
PER M.A.R.C. 3-17-80
PER M.A.P.C. 11-18-80
PER W.C.C. 10-02-01
PER ADM. ADJ. 09-09-08
08-10-06
PER AMENDMENT #6 APPROVED 1/18/12
date drawn 10-02-01 or 2-26-80

JEFF KREHBIEL ASSOCIATES, aia
architecture · planning

AMENDED RIDGE COMMUNITY UNIT PLAN PLAZA
WICHITA KANSAS

DP-37

sheet 1 of 1 sheets

Council Docket Amendment #5
APPROVED CUP
[illegible]
[illegible]

AGENDA ITEM: 8

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: August 20, 2015

TO: Metropolitan Area Planning Commission

FROM: Dave Barber AICP, Interim Director/Advanced Plans Manager

SUBJECT: DER2015-00001: Public Hearing to Consider Adoption of the Final Draft Community Investments Plan 2015-2035 as the New Wichita-Sedgwick County Comprehensive Plan, and as Supplemented by Current Elements Adopted by Amendment to the Existing Comprehensive Plan.

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.

During 2013 and 2014, the Steering Committee developed and evaluated three possible long-term growth scenarios for Wichita. Following an extensive community engagement process in the spring and summer of 2014, a preferred growth scenario was selected by the Committee to serve as the basis for the development of the new comprehensive plan.

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 over 700 people 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 two workshops held with the Wichita City Council in April and June. In late June and early July, staff briefed the members of the Sedgwick County Board of Commissioners on the contents of the draft Plan.

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.

In early August 2015, staff presented the final draft of the Community Investments Plan to the six District Advisory Boards (DAB's) for the City of Wichita. All six DAB's voted unanimously to recommend that the Plan be adopted as the new comprehensive plan for Wichita and Sedgwick County.

Analysis: The final draft *Community Investments Plan 2015-2035* 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.

PLAN SUMMARY- What's new and/or significantly different compared with our existing comprehensive plan...

- A new *Plan Vision Statement* along with seven *Core Community Values* and five overarching *Plan Guiding Principles* to help set 'high-level' context and guidance for future land use development and investment in public infrastructure.
- A new focus on future public infrastructure investment priorities.
- A new *2035 Urban Growth Areas Map* and a *2035 Wichita Future Growth Concept Map*.
- A new *Wichita Urban Infill Strategy* to support and facilitate greater levels of infill and redevelopment in Wichita's mature urban areas - to meet market demand and capitalize on the City's existing infrastructure investments.
- A *Plan Elements* section containing 10 goals and 46 strategies that set overall infrastructure investment priorities across the categories of: *Funding and Financing*; *Transportation*; *Water, Sewer and Stormwater*; *Arts, Culture and Recreation*; and *Public Safety*.
- A three-level *Infrastructure Investment Decision-making Framework* to systematically guide future public project spending decisions in a manner that supports community priorities, reflects willingness to pay, and is coordinated with market-driven growth.

Recommended Action: That the Metropolitan Area Planning Commission adopt the resolution adopting the final draft Community Investments Plan 2015-2035 dated July 1, 2015 as the new Comprehensive Plan for Wichita-Sedgwick County (Attachment A), and also adopting those neighborhood and area plan itemized on Attachment B as elements of the Community Investments Plan 2015-2035. Notice of this action shall be transmitted to the City Council of the City of Wichita and to the Sedgwick County Board of County Commissioners for their consideration and adoption.

Attachments:

1. Resolution.
2. Attachments A - Final Draft *Community Investments Plan 2015-2035* dated July 1, 2015. This link will provide electronic access to the Plan document:

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

3. Attachment B - Listing of neighborhood and area plans adopted as elements of the Final Draft *Community Investments Plan 2015-2035* dated July 1, 2015.

RESOLUTION

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, adopted by the City of Wichita and Sedgwick County in 1993, and amended in 1996, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011; and

WHEREAS, the Comprehensive Plan may be amended or a new Comprehensive Plan adopted to ensure it reflects timely and relevant information and the needs of the community; and

WHEREAS, before the adoption of any Comprehensive Plan or amendment thereto, the Wichita-Sedgwick County Metropolitan Area Planning Commission is required by K.S.A. 12-747 et seq. to hold a public hearing; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give due and proper notice by publication in the official City and County newspapers on July 30, 2015, of a public hearing to be held to consider the adoption of a new Comprehensive Plan; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission, on August 20, 2015, did hold a public hearing at which a quorum was present, and did hear all comments and testimony relating to said adoption of a new Comprehensive Plan;

NOW, BE IT THEREFORE RESOLVED, the Wichita-Sedgwick County Metropolitan Area Planning Commission duly assembled, hereby adopts the Community Investments Plan 2015-2035, dated July 1, 2015 and attached herein as Attachment "A", as the new Wichita-Sedgwick County Comprehensive Plan, and also adopts those neighborhood and area plans itemized on Attachment "B" as elements of the Community Investments Plan 2015-2035, dated July 1, 2015.

BE IT FURTHER RESOLVED, that notice of this action be transmitted to the City Council of the City of Wichita and to the Sedgwick County Board of County Commissioners for their consideration and adoption.

ADOPTED at Wichita, Kansas, this 20th day of August, 2015.

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

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

Approved as to Form:

Jennifer Magana, Director of Law
City of Wichita

ATTACHMENT "B"

The following Neighborhood and Area Plans and amendments thereto are hereby adopted as elements of the Community Investments Plan 2015-2035, dated July 1, 2015:

	Adopted by Wichita City Council	Adopted by Sedgwick County Board of Commissioners
Center City Neighborhood Revitalization Plan	February 15, 2000 Ord. No. 44-495	February 9, 2000 Res. No. 19-00
Hilltop Neighborhood Revitalization Plan	August 22, 2000 Ord. No. 44-701	August 16, 2000 Res. No. 143-00
Delano Neighborhood Revitalization Plan	March 20, 2001 Ord. No. 44-896	March 7, 2001 Res. No. 35-01
Oaklawn/Sunview Neighborhood Revitalization Plan	April 9, 2002 Ord. No. 45-299	March 20, 2002 Res. No. 37-02
South Wichita-Haysville Area Plan	April 2, 2002 Ord. No. 45-248	March 20, 2002 Res. No. 36-02
McAdams Neighborhood Plan	June 3, 2003 Ord. No. 45-726	May 14, 2003 Res. No. 114-03
Midtown Neighborhood Revitalization Plan	May 18, 2004 Ord. No. 46-179	May 19, 2004 Res. No. 87-04
21st Street North Corridor Revitalization Plan	January 4, 2005 Ord. No. 46-434	December 22, 2004 Res. No. 233-04
Urban Fringe Development Standards for Wichita and Sedgwick County	December 14, 2004 Endorsed	December 15, 2004 Endorsed
Central Northeast Area Plan Update	September 22, 2005 Ord. No. 46-657	September 14, 2005 Res. No. 158-05
South Central Neighborhood Plan	May 16, 2006 Ord. No. 47-033	May 10, 2006 Res. No. 72-06
K-96 Corridor Economic Development Plan	November 21, 2006 Ord. No. 47-304	November 15, 2006 Res. No. 166-06
47th to 55th Street South Joint Area Plan	June 17, 2008 Ord. No. 47-914	June 18, 2008 Res. No. 94-08
Wichita Parks, Recreation and Open Space Plan	January 6, 2009 Ord. No. 48-153	December 17, 2008 Res. No. 192-08
Derby-Mulvane Joint Area Plan	September 21, 2010 Ord. No. 48-832	September 8, 2010 Res. No. 155-10
Project Downtown - The Master Plan for Wichita	December 14, 2010 Ord. No. 48-919	February 23, 2011 Res. No. 29-11

DAB Summary
DER2015-01 Community Investment Plan

DAB I: The Plan was presented at the District I Advisory Board meeting on August 3, 2015. DAB Members had the following questions and concerns:

- They were curious as to how the County Commission will receive the Plan. Staff said they will be meeting with them on August. 18th.

The action from the Board was to recommend that MAPC approve the plan. The motion passed 6-0.

DAB II: The Plan was presented at the District II Advisory Board on August 10, 2015. DAB Members had the following questions and concerns:

- Are there any plans for acquiring funding for these projects? **A:** The City is looking at different options and ways to do the projects.
- The $9.5 billion is such a huge gap, it's difficult to even comprehend. **A:** You have to consider that for more than 20 years maintenance was under-funded.
- This plan makes me nervous, especially with what's going on at the County right now. I'm afraid that Arts and Culture will be eliminated due to infrastructure needs. I would contend that Arts and Culture is just as important to a community as infrastructure.

The action from the Board was to recommend that the MAPC adopt the final draft *Community Investments Plan 2015-2035* as the new joint comprehensive plan for Wichita-Sedgwick County. The motion passed 8-0 with one DAB member requesting that the concerns about Arts and Cultural funding be noted.

DAB III: The Plan was presented at the District III Advisory Board on August 5, 2015. DAB Members had the following questions and concerns:

- One DAB member stated that he believes that the City really needs to focus on salvaging and saving neighborhoods, possibly using public/private partnerships for the areas where it is an entire block of blighted houses. He felt that neighborhoods were getting progressively worse.
- Another DAB member stated that she felt that it was a very well developed plan.

The action from the Board was a motion to recommend that the MAPC approve the plan. The motion passed 10-0.

DAB IV: The Plan was presented at the District IV Advisory Board on August 3, 2015. DAB Members had the following questions and concerns:

- The DAB members collectively wanted to know what the chances were that the County would cooperate on the plan. Staff's response was that there is no guarantee, but they feel that this plan provided a better framework to address previous County concerns.

The action from the Board was a motion to recommend that the MAPC approve the plan. The motion passed 8-0.

DAB V: The Plan was presented at the District V Advisory Board on August 10, 2015. DAB Members had the following questions and concerns:

- One DAB member wanted to know if infill development meant the City buying land from people or developers buying property, the answer given was that infill development referred to methods to make infill opportunities for developers easier through financing, code issues, and public/private partnerships.
- Another DAB member wanted to know how much the City can depend on the County to partner on the plan, the answer given was that it's a wait and see situation but that the City and County have partnered for almost 60 years. It was also noted that the County had involvement in the process including Commissioner Ranzou sitting on the steering committee.

The action from the Board was a motion to recommend that the MAPC approve the plan. The motion passed 9-0.

DAB VI: The Plan was presented at the District VI Advisory Board on August 3, 2015. DAB Members had the following questions and concerns:

- One DAB member asked whether the focus on infrastructure and infill was expected to have an effect on the value of land and community demographics. The response provided stated that across the nation, more residents are locating in urban centers and that as downtown areas improve, the value of land naturally increases, as well. As for the demographics, a lot of factors contribute to a community's demographics and therefore changes could not be predicted from the plan alone.
- Another DAB member asked if incentives were provided to encourage developers to build on empty lots in the city's center? The response stated that yes, there were incentives, such as tax credits and incentives for rehabilitating existing buildings.
- A third DAB member inquired about the potential for increased retail in the downtown area. The response provided stated that business is market driven and as more people move into the city's center, there could be a sufficient market for certain types of retail in the future. No special incentives are being provided to attract these business above and beyond what is already being provided.
- A fourth DAB member inquired about the plan's approach to the transit system. The member was reminded that the plan is establishes general guidelines and priorities, but that the City Council and departments would need to develop concrete strategies for addressing specific initiatives and needs.

The action from the Board was a motion to recommend that the MAPC approve the plan. The motion passed 6-0.