

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Minutes

October 1, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 1, 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: Carol Neugent, Chair; David Dennis, Vice Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Joe Johnson; Debra Miller Stevens; M.S. Mitchell; Bill Ramsey; John Todd and Chuck Warren. Matt Goolsby; M.S. Mitchell and Lowell Richardson were absent. Staff members present were: W. David Barber, Interim Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney.

CHAIR NEUGENT welcomed Commissioner Bill Ellison.

1. Approval of the August 20, 2015 Planning Commission Minutes.

MOTION: To approve the August 20, 2015 Planning Commission minutes.

DENNIS moved, **RAMSEY** seconded the motion, and it carried (7-4). **DOOL, ELLISON, NEUGENT** and **TODD** - Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **SUB2015-00011: Final Plat – SILVER SPRINGS 2ND ADDITION**, located on the north side of Central, east of Ridge.

NOTE: This is an unplatted site located within the City. The site (with the exception of the north 110 feet) has been approved for a zone change (ZON2008-00033) from Single-Family Residential (SF-5) to Multi-Family Residential (MF-29).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) and extend sewer (laterals) to serve the lots. In-lieu-of-assessment fees are due for sewer mains and water transmission.
- B. The platlor's text references utility easements and drainage easements which are not shown on the face of the plat.
- C. The platlor's text shall reference "a Lot, a Block and Reserves".
- 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. City Stormwater Management has approved the drainage plan.

- F. The plat denotes an existing off-site ingress/egress easement along Central within the adjoining flood control right-of-way. An access easement by separate instrument has also been denoted along the adjoining flood control right-of-way. A copy of the easements shall be provided. The final plat tracing shall denote complete access control along the flood control right-of-way line except for one opening per the ingress/egress easement.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- J. The 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.
- K. The 2013 Wichita Bicycle Master Plan recommends a shared use path along the west, east, and north property lines of this property. The plattor's text states that Reserve B – along the west line of the plat - will be dedicated to the City upon the need for construction of a bike path.
- L. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- M. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. 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.
- N. 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.
- O. County Surveying advises that a minimum pad should also be shown on the face of the plat.
- P. County Surveying advises that a site benchmark is needed.

- Q. County Surveying advises that a dimension needs added on the north line of Reserve A.
- R. County Surveying advises that dimension needs added on the north line of Reserve B.
- S. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- T. The platlor'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.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- W. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

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

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

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

CHAIR NEUGENT announced that since Subdivision Committee action on vacation items 3-1 through 3-5 was 1-0, it has been requested that the vacation items be heard.

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2015-00035: City request to vacate contingent dedication of street, from the contingent dedication drainage, utility and street easement dedicated by separate instrument**, on property located on the southwest corner of the 47th Street South and the I-135 interchange.

APPLICANT/AGENT: Southfork Investment, LLC (applicant) Kaw Valley Engineering, c/o Tim Austin (agent)

LEGAL DESCRIPTION: Generally described as vacating the street function from the contingent dedication by separate of 15-foot wide street, drainage and utility easements running parallel to both sides of the platted and contingent dedication (by separate instrument) of 32-foot wide street right-of-way running from its intersection with 47th Street South, thru the length of the Southfork Commercial Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Located on the southwest corner of the 47th Street South and the I-135 interchange (WCC III)

REASON FOR REQUEST: Waiver of the narrow street standards

CURRENT ZONING: The subject contingent street, utility and drainage easements runs thru the GC General Commercial zoned (CUP DP-49) Southfork Commercial Addition. I-135 abuts the east side of the site. The I-135 and 47th Street South interchange abuts the northeast side of the site. SF-5 Single-Family Residential zoned property abuts the south side of the site. The Riverside drainage easement abuts the west side of the site.

The applicant is requesting the vacation of the street function from the contingent dedication by separate instrument of 15-foot wide street, drainage and utility easements running parallel to both sides of the platted and contingent dedication (by separate instrument) of 32-foot wide street right-of-way. The subject easement and the right-of-way run from their intersection with 47th Street South, thru the length

of the GC General Commercial zoned Southfork Commercial Addition. The Subdivision Regulations requires 58 feet of street right-of-way width for business, office, commercial and industrial areas without parking lanes. The Subdivision Regulations for narrow residential streets requires 32 feet of street right-of-way with 15-foot wide street, drainage and utility easements running parallel to both sides of the street right-of-way; Subdivision Regulations Art 7-201.G. In the past, Public Works/Traffic Engineer has applied the narrow street standards to commercial development. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, the MAPC may modify design criteria. The subject contingent dedication of street easement and street right-of-way is designed to join the abutting 33-foot wide Custy Street right-of-way recorded on the Orchard Parks Lake Estates Addition; recorded September 28, 1983. Custy Street dead-ends at the Riverside drainage easement; there are no plans to extend Custy Street over the Riverside drainage easement.

Per the information currently available on the City's GIS program, there are public utilities located in the contingent dedication of a drainage, utility and street easement. These utilities will continue to be covered by the 15-foot wide street, drainage and utility easements. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described easements. The Southfork Commercial Addition was recorded with the Register of Deeds October 3, 2014.

NOTE: VAC2015-00035 was deferred from the advertised September 10, 2015, Subdivision Committee meeting at the applicant's request.

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 contingent dedication (by separate instrument) of street from the described 15-foot wide street, drainage and utility easements.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 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 contingent dedication (by separate instrument) of street from the described 15-foot wide street, drainage and utility easements and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Approval of the vacation of the contingent dedication (by separate instrument) of street from the 15-foot wide street, drainage and utility easements running parallel to both sides of the platted

and contingent dedication (by separate instrument) of 32-foot wide street right-of-way running from its intersection with 47th Street South, thru the length of the GC General Commercial zoned Southfork Commercial Addition, must be given by the Traffic Engineer.

- (2) If approved, provide a legal description of the vacated contingent dedication (by separate instrument) of street from subject the 15-foot wide street, drainage and utility easements, 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.
- (3) 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.
- (4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants 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) Approval of the vacation of the contingent dedication (by separate instrument) of street from the 15-foot wide street, drainage and utility easements running parallel to both sides of the platted and contingent dedication (by separate instrument) of 32-foot wide street right-of-way running from its intersection with 47th Street South, thru the length of the GC General Commercial zoned Southfork Commercial Addition, must be given by the Traffic Engineer.
- (2) If approved, provide a legal description of the vacated contingent dedication (by separate instrument) of street from subject the 15-foot wide street, drainage and utility easements, 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.
- (3) 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.
- (4) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants 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.

BILL LONGNECKER, Planning Staff presented the Staff Report.

There were no public comments.

TODD asked about the rules on the Subdivision Committee, how many Commissioners are on the Committee, etc.

BARBER said he believes there are seven (7) appointees to the Subdivision Committee. He explained that the Bylaws allow that a quorum of one is sufficient to take action.

TODD suggested the Commission take a look at that because he thinks that is too few people.

LONGNECKER commented that this is only the second time in fourteen years that has happened.

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

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

3-2. VAC2015-00036: City request to vacate a setback established by a vacation order, on property generally located on the south side of Central Avenue and west of Waco Avenue.

OWNER/AGENT: City of Wichita, Property Management, c/o John Philbrick (owners)
Kaw Valley Engineering, c/o Tim Austin (agent)

LEGAL DESCRIPTION: Generally described as vacating the 20-foot front building setback, established by Vacation Order VAC2015-00008, that runs parallel to the north property line of a portion of Lot 2, Emerson Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Waco Avenue on the south side of Central Avenue (WCC #VI)

REASON FOR REQUEST: Future development

CURRENT ZONING: Subject property, abutting south and east properties are zoned CBD Central Business District. Adjacent north and west properties are zoned B Multi-Family Residential.

The applicants are requesting consideration to vacate the 20-foot front building setback, established by Vacation Order VAC2015-00008 (approved by City Council July 7, 2015), which runs parallel to the north property line of a portion of Parcel B, Lot 2, Emerson Addition. The site is zoned CBD Central Business District. The CBD zoning district has a zero front building setback, which is what the applicant is requesting. Westar does not appear to have any facilities in the vacation area. However Westar does have street lights in the right-of-way that butts up to setback and wants to make sure adequate clearance is provided. Condition #2 covers Westar. Shane Price is the Westar Construction Services Supervisor for the area can be contacted at 261-6315. The Emerson Addition was recorded with the Register of Deeds May 12, 1980. Commercial Lot Split SUB2004-2004 created Parcels A, Lot 2 and Parcel B Lot 2 (the subject site), Emerson Addition.

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

- 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 September 10, 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 front building setback established by a vacation order 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 20-foot front building setback, established by Vacation Order VAC2015-00008, which runs parallel to the north property line of a portion of Parcel B, Lot 2, Emerson Addition. The front setback will be zero, as allowed by the subject site's CBD Central Business District zoning. Provide Planning with a legal description of the vacated portion of complete access control on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities, including Westar, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide franchised utilities, including Westar, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.

- (3) Provide a legal description of the vacated 20-foot front building setback, 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. The legal description will be used on the Vacation Order.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the 20-foot front building setback, established by Vacation Order VAC2015-00008, which runs parallel to the north property line of a portion of Parcel B, Lot 2, Emerson Addition. The front setback will be zero, as allowed by the subject site's CBD Central Business District zoning. Provide Planning with a legal description of the vacated portion of complete access control on a Word document via e-mail to be used on the Vacation Order. This must be provided prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities, including Westar, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide franchised utilities, including Westar, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.
- (3) Provide a legal description of the vacated 20-foot front building setback, 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. The legal description will be used on the Vacation Order.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

BILL LONGNECKER, Planning Staff presented the Staff Report.

There were no public comments.

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

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

- 3-3. **VAC2015-00037: City request to vacate a platted access easement and a platted utility easement**, on property generally located west of Maize Road on the north side of 29th Street North.

OWNER/APPLICANT: Newmarket Office, LLC, c/o David Hambrick (owner) Oxford Senior Living c/o George Sherman

LEGAL DESCRIPTION: Generally described as vacating the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the 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 side of North Parkdale Circle (WCC #V)

REASON FOR REQUEST: Access is provided elsewhere on the subject site and carports are proposed to be built over subject platted easement

CURRENT ZONING: The site and the abutting north, west and south properties are zoned GO General Office. Abutting west properties are zoned SF-5 Single-Family Residential.

The applicant is requesting the vacation of the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the New Market Office 2nd Addition. Vacation of the subject access easement needs approval by the Traffic Engineer and the Fire Department. There are no public utilities located in the subject access easement, nor in the subject utility easement. Westar does not appear to have any facilities in the vacation area. Condition 4 and 5 covers Westar. Richard Aitken is the Construction Services Representative for this area and can be contacted at 261-6734. The New Market Office 2nd Addition was recorded May 19, 2011.

NOTE: VAC2015-00024 vacated the plattor's text to amend the uses allowed in platted Reserves A and B, New Market Office 2nd Addition.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 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 access easement and the platted utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the New Market Office^{2nd} Addition 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) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (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 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.
- (5) Provide a legal description of the vacated 30-foot access easement and the platted 20-foot utility 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. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 30-foot access easement located along the west side of Lot 4, Block 1 & the platted 20-foot utility easement located along the common line of Lot 4, Block 1, and Reserve B, all in the New Market Office^{2nd} Addition 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) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (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 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.
- (5) Provide a legal description of the vacated 30-foot access easement and the platted 20-foot utility 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. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

BILL LONGNECKER, Planning Staff presented the Staff Report.

There were no public comments.

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

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

- 3-4. **VAC2015-00039: City request to vacate a platted easement**, on properties generally located northeast of 151st Street West and Maple Street, north of Country View Court, on the east side of Country View Lane.

OWNER/APPLICANT: Christopher J. Dugan & Maple Group LLC (owners) Baughman Company, c/o Russ Ewy (agent)

LEGAL DESCRIPTION: Generally described as vacating the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located northeast of 151st Street West and Maple Street, north of Country View Court, on the east side of Country View Lane (WCC #V)

REASON FOR REQUEST: Future development

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

The applicant is requesting the vacation of the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition. There are no hydrants, water or sewer equipment located in the subject drainage and utility easement. The subject easement abuts platted Reserve C, the Woods Addition. A function of Reserve C is drainage; Stormwater needs to comment on the request. Westar appears to have no facilities in the vacation area. Condition 3 and 4 covers Westar. Richard Aitken, is the Construction Services Representative for the area and can be contacted at 261-6734 The Woods Addition was recorded March 15, 2006.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 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 drainage and utility easement and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including stormwater. 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) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (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 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.
- (5) Provide a legal description of the vacated platted 20-foot drainage and utility 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. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 20-foot drainage and utility easement located along the east sides/rear yard of Lots 19, 20 & 21, Block B, the Woods Addition as approved by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.

- (2) As needed provide easements for public utilities, including stormwater. 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) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (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 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.
- (5) Provide a legal description of the vacated platted 20-foot drainage and utility 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. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

BILL LONGNECKER, Planning Staff presented the Staff Report.

There were no public comments.

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

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

3-5. VAC2015-00040: City request to vacate a platted drainage & utility easement, on property generally located on the north side of 13th Street North and west of Greenwich Road.

OWNER/APPLICANT: Apex Realty, LLC (owners) MKEC, c/o Brian Lindebak

LEGAL DESCRIPTION: Generally described as vacating the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the north side of 13th Street North and west of Greenwich Road (WCC #II)

REASON FOR REQUEST: Future development

CURRENT ZONING: The site and abutting and adjacent east, west and north properties are zoned LI Limited Industrial. The abutting south property is zoned LC Limited Commercial.

The applicant is requesting the vacation of the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition. There is stormwater equipment located in the subject drainage and utility easement. The subject easement abuts platted Reserve A, the Woods Addition. Drainage is not listed as a function of Reserve A in the plattor's text. Westar may have a service stub located in that area that was set in place to provide power to future development to the west. There is power just out of that easement to the east. Conditions 2, 3 and 4 covers Westar. Becky Thompson is the Construction Services Representative for this area and can be contacted at 261-632. The Berkley Square Third Addition was recorded November 19, 2014.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 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 drainage and utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including stormwater. 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) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities, including stormwater, 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.
- (5) Provide a legal description of the vacated platted 20-foot drainage and utility 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. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 20-foot drainage and utility easement located on the east side of Lot 2, Block 1, and abutting the west side of Reserve A, all in the Berkley Square Third Addition by City Public Works, Water & Sewer, Stormwater, Traffic, Fire, and franchised utilities.
- (2) As needed provide easements for public utilities, including stormwater. 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) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities, including stormwater, 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.

- (5) Provide a legal description of the vacated platted 20-foot drainage and utility 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. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

BILL LONGNECKER, Planning Staff presented the Staff Report.

There were no public comments.

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

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

TODD asked how title companies and the County Clerk are notified of vacations.

LONGNECKER briefly explained the administrative process where vacations approved by the governing body are recorded by the Register of Deeds.

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4. **Case No.: ZON2015-00035** - Arch Partner's LLC (Paul Gray) request a City zone change from LC Limited Commercial to CBD Central Business District on property described as:

Lots 26, 28 and 30, Chicago now Douglas Avenue along with the vacated alley adjacent on the East, West Wichita Addition, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking Central Business District (CBD) zoning for .61 platted acre located 75 feet east of the southeast corner of West Douglas Avenue and South Walnut Street. The subject site is currently zoned Limited Commercial (LC), and is developed with a row of commercial buildings that are built up to the property line and have zero side setbacks. The application area is currently occupied by restaurants. The site is located in and subject to the Delano Overlay Neighborhood District (D-O) that establishes land use and site development policies specific to the district.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were no requirements for off-street parking. Therefore, many of the uses in the Delano District do not have, or have only minimal, off-street parking and rely upon public parking located in the street right-of-way. Central Business District zoning mitigates site development issues for older portions of the core area, such as the requirement to provide off-street parking (off-street parking is not required of CBD zoned property) and reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LC district vary from zero to 20 feet).

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 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.

Land located north of the site, across West Douglas Avenue, is zoned LC, CBD and General Commercial (GC), and is developed with row commercial buildings. East of the site the property is zoned LC and GC, and is developed with parking lot owned by the applicant. South of the site the property is zoned GC, and developed with parking and commercial buildings. West of the subject property is land zoned Limited Industrial (LI) and LC, and developed with row commercial buildings. There have been at least two previous requests for CBD zoning in Delano that have been approved (ZON2015-00038 and ZON2014-00030). Since 1871, the Delano District is a commercial district that has been serving "west" Wichita with a variety of commercial, personal service and entertainment uses.

CASE HISTORY: The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan and Delano Overlay Neighborhood District (D-O) in 2001.

ADJACENT ZONING AND LAND USE:

North: LC, CBD and GC; retail and commercial uses
South: GC; parking and retail and commercial uses
East: LC, GC; parking and retail and commercial uses
West: LI and LC; retail and commercial uses

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access to the arterial street, West Douglas Avenue, which has 100 feet of right-of-way. In 2007, Douglas Avenue east of Seneca carried approximately 10,000 vehicle trips on a daily basis.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use."

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

streetscapes as landscaping and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and uses as the original core CBD area.

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 are commercial and/or office uses on the ground floor and residential above.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the subject site are zoned LC, GC, CBD and LI subject to the D-O district that permits a very wide range of land uses: residential, office, personal service, entertainment and commercial.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC which permits a wide range of residential, office and retail uses, but requires the provision of off-street parking, which the applicants own. The site has economic value as currently zoned. Approval of CBD zoning would eliminate the requirement for off-street parking modify building setback and height requirements and potentially add a few additional uses not permitted in the LC district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby property owners in that the site is currently developed and has its own parking. The D-O district restrictions should minimize known impacts created by the proposed zone change.
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 would make the property more marketable, which should make a wider range of use possible thereby improving choice in the marketplace. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. Central Business District zoning is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping

and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and uses as the original core CBD area.

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 are commercial and/or office uses on the ground floor and residential above.

6. Impact of the proposed development on community facilities: None identified as the site is located in an area of town that has had full public services for a long period of time and is served by an arterial street.

DALE MILLER, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

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

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5. **Case No.: ZON2015-00036** - Lena P. Peeblee Rev. Trust/Mennonite Housing Deatrea Schuimscher request a City zone change from SF-5 Single-family Residential to B Multi-family Residential on property described as:

The North 7 acres, more or less, of the following described tract: The Southwest Quarter of the Southwest Quarter of Section 18, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the West 263.6 feet of the South half of the North half of the Southwest Quarter of said Southwest Quarter, and except the East half of the Southwest Quarter of said Southwest Quarter, and except that part dedicated for street, and except that part deeded to the City of Wichita for street purposes.

BACKGROUND: The applicant is requesting to rezone from the SF-5 Single-Family Residential (SF-5) district to the B Multi-Family Residential (B) approximately seven unplatted acres located at the southeast corner of South Meridian Avenue and West 45th Street South. The property is currently undeveloped. The applicant proposes to develop 42 townhome units with a mix of two, three and four-bedrooms.

North of the application area, across West 45th Street South, the land is zoned SF-5 and Manufactured Housing (MH) district, and is developed with single-family residences and a manufactured home park or subdivision. East of the manufactured home park/subdivision, north of West 45th Street, there is land zoned B, developed with baseball fields, and undeveloped land zoned MF-29 Multi-Family Residential (MF-29). East of the application area is the SF-5 zoned City of Wichita Southview Park. South of the application area is SF-5 zoned farmland and LC Limited Commercial (LC) zoning that contains a single-family residence and farmland. Not included in the application area, located on the east side of South Meridian Avenue, approximately mid-way between West 45th Street South and West 47th Street South,

are two single-family residences zoned SF-5. There also is a vacant platted lot owned by the City of Wichita that has a conditional use to permit a sanitary sewer utility facility. West of South Meridian Avenue are single-family residences zoned SF-5 and SF-20 Single-Family Residential (SF-20).

The B zoning district permits a wide range of uses, such as: single-family, two-family and multi-family (three or more dwelling units in one structure), assisted living, group home, church, community assembly, nursing facility or school. The minimum lot area for multi-family dwelling units is 580 square feet per unit with a maximum density of 75.1 dwelling units per acre. The applicant's proposal equals approximately 7,260 gross square feet per dwelling unit. The B zoning district has a minimum front setback of 20 feet; rear setback of 15 feet; interior side setback of five feet and a minimum street side setback of five feet. A maximum height of 55 is permitted with an additional one foot of additional height for each additional foot of setback.

Trash receptacles, mechanical equipment and outdoor work and storage areas in multi-family uses are required to be screened from ground level view from any residential zoning district and cannot be located within 20 feet of property zoned TF-3 or more restrictive. Compatibility building setbacks of 15 feet up to 25 feet, depending on the size of the use, located along rear and side property lines of multi-family developments abutting TF-3 or more restrictive zoning are required. Building height for multi-family use is limited to 35 feet when it is located within 50 feet of a TF-3 or more restrictive zoned lot. Multi-family uses are required to screen with a six-foot high fence, berm, solid landscaping or some combination of the three along its side and rear property line where it abuts TF-3 or more restrictive zoning. A landscape buffer is required between multi-family zoning districts and one and two-family zoning districts. At a minimum the landscape buffer with a screening fence must have one tree every 40 feet.

CASE HISTORY: The site was annexed by the City in the 1960s and the site's SF-5 zoning would have been established at that time.

ADJACENT ZONING AND LAND USE:

North: SF-5, MH; single-family residences, manufactured home park/subdivision
South: SF-5, LC, single-family residence/farmstead
East: SF-5; Southview Park
West: SF-5; single-family residences

PUBLIC SERVICES: South Meridian Avenue at this location is paved, has a right-of-way width that varies from 80 to 90 feet and has four-through lanes with a center-turn lane. West 45th Street South has 60 feet of full right-of-way and is a paved two-lane street. The closest sanitary sewer manhole is located on the north side of West 45 Street South. Water lines and stormwater improvements are located on both South Meridian Avenue and West 45 Street South.

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 municipality. The range of housing types found include: single-family detached homes, duplexes, townhouses, apartments or multi-family units and special residential accommodations

for the elderly. Medium and high density residential uses should be located within walking distance of neighborhood commercial centers, parks schools and public transportation routes. These uses should also be in close proximity to concentrations of employment, major thoroughfares and utility trunk lines. Medium and high-density residential uses should be directly accessible to arterial or collector streets. Medium and high-density residential uses should be sited where they will not overload or create congestion in existing and planned facilities/utilities. Multi-family uses generate approximately 6.6 average daily vehicle trips per dwelling unit or an estimated 277 average daily trips.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to platting within one year of final approval.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the application area, across West 45th Street South, the land is zoned SF-5 and Manufactured Housing (MH) district and is developed with single-family residences and a manufactured home park or subdivision. East of the application area is the SF-5 zoned City of Wichita Southview Park. South of the application area is LC Limited Commercial (LC) zoning used that contains a single-family residence or farmstead. Not included in the application area, located on the east side of South Meridian Avenue, approximately mid-way between West 45th Street South and West 47th Street South, are two single-family residences zoned SF-5. West of South Meridian Avenue are single-family residences zoned SF-5 and SF-20 Single-Family Residential (SF-20).
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5 which primarily permits single-family residential and a few civic and institutional uses, such as a school, park or church by right. There are other single-family residences located in the general area, presumably the application area would have economic value as currently zoned. However, due to the presence of LC zoning located south of the site, it would be consistent with typical development patterns for office or multi-family zoning to be used as transition zoning between the LC zoning and SF-5 zoning. The requested zoning would provide such a transition.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Code requirements, such buffering, height, screening and landscape standards, minimize known detrimental impacts. A manufactured home park is located on the north side of West 45th Street South, east of South Meridian Avenue.
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 zoning request would potentially add to the inventory of multi-family units available in south-central Wichita. Denial would presumably represent a loss of economic opportunity to the property owner and/or the 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 “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 municipality. The range of housing types found include: single-family detached homes, duplexes, townhouses, apartments or multi-family units and special residential accommodations for the elderly. Medium and high density residential uses should be located within walking distance of neighborhood commercial centers, parks schools and public transportation routes. These uses should also be in close proximity to concentrations of employment, major thoroughfares and utility trunk lines. Medium and high-density residential uses should be directly accessible to arterial or collector streets. Medium and high-density residential uses should be sited where they will not overload or create congestion in existing and planned facilities/utilities. Multi-family uses generate approximately 6.6 average daily vehicle trips per dwelling unit or an estimated 277 average daily trips.

6. Impact of the proposed development on community facilities: At the time of platting any improvements needed to serve the site can be obtained.

DALE MILLER, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

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

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6. **Case No.: ZON2015-00039** - Winchester Investments, LLC, c/o Paul Gray (owner/applicant) requests a City zone change from LC Limited Commercial to CBD Central Business District on property described as:

Lot 15, Douglas Avenue, Martinson's 3rd Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a zone change from LC Limited Commercial to CBD Central Business District on the subject site located west of Seneca Street, east of Dodge Avenue on the south side of Douglas Avenue; Lot 15, Douglas Avenue, Martinson's 3rd Addition. The site is located in (and subject to) the D-O Delano Overlay Neighborhood District. If CBD zoning is approved the site will still be subject to the D-O. The site's brick-stucco one-story downtown row store (built 1920) is currently occupied by a dry cleaners pick-up and drop-off store. In anticipation of any change of use triggering the parking requirements, the applicant is applying for CBD zoning. The applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. In the past parking issues were addressed by applications for a variance. The CBD zoning district more effectively resolves such issues as parking (no minimum parking standards) that could be triggered by a change in occupancy. This is the latest application for CBD zoning in the D-O along Douglas Avenue; ZON2013-00038, ZON2014-00030, ZON2015-00023, ZON2015-00034 and ZON2015-00035. In the previous zoning cases 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; production of the Ford Model T began in 1908. 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. There is parallel parking on Douglas Avenue in front of the 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. Although the site is located one block west of Seneca Street, the development patterns are similar to the study's area.

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. Most of the downtown row stores along this section of Douglas Avenue were built up to the property lines, with no setbacks. It is not uncommon to have apartments located in the second or third story of these buildings, with the commercial uses located on the ground floor. However, the development located west of Seneca Street along Douglas Avenue does begin to introduce more small commercial buildings built after the 1920s and the commercial development begins to be interrupted by detached single-family residences.

As previously noted the LC zoned site is occupied by a dry cleaners pick-up and drop-off store. As previously noted the applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. A LC zoned one-story downtown row store (built 1900) occupied by a recording studio and tax service office is located west of the site's parking and drive-thru lot. A LC zoned one-story commercial building (currently a yoga studio) with an attached two-story residence (built 1940) and a vacant one-story commercial building (built 1960) are located further west of site, across Dodge Street. A LC zoned one-story downtown row store (built 1922) and (separated by a platted 15-foot alley) a small one-story commercial strip building (built 1982) are abutting and adjacent to the east side of the site. North of the site, across Douglas Avenue is a LC, LI Limited Industrial and GC General Commercial zoned QuikTrip convenience store (built 2008), a LC vacant one-story building (built 1985) with its parking lot and a LI zoned one-story commercial building (built 1999, currently a thrift store). A 15-foot wide alley separates the site from the south adjacent GC zoned one-story funeral home-mortuary (built 1956), its parking lot and a three-story apartment building (built 1925). A B Multi-Family Residential zoned duplex (built 1945) and undeveloped MF-18 Multi-Family Residential property are located southwest of the site, across Dodge Avenue. A block southeast of the site is a SF-5 Single-Family Residential zoned USD-259 school site (built 1921, 1948, 2003 and 2012).

CASE HISTORY: The site, Lot 15, Douglas Avenue, Martinson's 3rd Addition, which was recorded with the Register of Deeds on October 17, 1885.

ADJACENT ZONING AND LAND USE:

NORTH: LC, GC, LI	Convenience store, thrift store, vacant commercial building
SOUTH: GC, MF-18, B, SF-5	Funeral home- mortuary, apartment, duplex, vacant land, public school

EAST: LC
WEST: LC

Commercial building, small commercial strip
Recording studio, tax service, residence, yoga studio, vacant
commercial building

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.

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. Douglas Avenue is the main east-west street in downtown Wichita and is located in the middle of the downtown core area. The requested CBD zoning is the appropriate zoning for this Douglas Avenue 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.

The site is subject to the D-O Delano Overlay Neighborhood District, which 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.

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. However, the development located west of Seneca Street along Douglas Avenue does begin to introduce more small commercial buildings built after the 1920s and the commercial development begins to be interrupted by detached single-family residences.

The LC zoned site is occupied by a dry cleaners pick-up and drop-off store. The applicant owns the abutting LC zoned 25-foot (x) 125-foot west property, which functions as a paved drive-thru and unmarked parallel parking (perhaps five vehicles) for the subject site. A LC zoned one-story downtown row store (built 1900) occupied by a recording studio and tax service office is located

west of the site. A LC zoned one-story commercial building (currently a yoga studio) with an attached two-story residence (both built 1940) and a vacant one-story commercial building (built 1960) are located further west of site, across Dodge Street. A LC zoned one-story downtown row store (built 1922) and (separated by a platted 15-foot alley) a small one-story commercial strip building (built 1982) are abutting and adjacent to the east side of the site. North of the site, across Douglas Avenue is a LC, LI Limited Industrial and GC General Commercial zoned QuikTrip convenience store (built 2008), a LC vacant one-story building (formerly a Braum's ice cream store, built 1985) with its parking lot and a LI zoned one-story commercial building (built 1999, currently a thrift store). A 15-foot wide alley separates the site from the south adjacent GC zoned one-story funeral home-mortuary (built 1956), its parking lot and a three-story apartment building (built 1925). A B Multi-Family Residential zoned duplex (built 1945) and undeveloped MF-18 Multi-Family Residential are located southwest of the site, across Dodge Avenue. A block southeast of the site is a SF-5 Single-Family Residential zoned USD-259 school site (built 1921, 1948, 2003 and 2012).

(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 Delano Overlay, which permits a wide range of uses including residential, office and retail sales, subject to the Delano Overlay. Surrounding property is zoned similarly as the subject site. As currently zoned, the site could continue to be used as dry cleaners pick-up and drop-off store.

(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. However, the requested CBD zoning could allow a change of uses (subject to the D-O) without triggering the current parking standards, which could require a variance to resolve as had been done in the past.

(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. Douglas Avenue is the main east-west street in downtown Wichita and is located in the middle of the downtown core of Wichita. The requested CBD zoning is the appropriate zoning for this Douglas Avenue site, which is located west (across the Arkansas River) of the original CBD zoned downtown core of Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area.

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.

(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.

There were no public comments.

MOTION: To approve subject to staff recommendation.

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

Other Matters

CHAIR NEUGENT announced that Committee reappointments are due. She asked Mr. Barber to explain a little about each Committee. She said the Bylaws dictate that the Vice Chair serves on the Advance Plans Committee, and the Chair does not need to serve on any committee.

BARBER gave a brief overview of each Committee. He said the Subdivision Committee meets twice a month on alternating Thursdays from the Planning Commission Hearings at 10:00 a.m. He said the meetings usually last anywhere from 1 to 1 ½ hours. He said this hearing covers fairly detailed and technical review of subdivision (platting) and vacation cases.

BARBER said the Advance Plans Committee meets on an “as required basis.” He said this Committee deals more with policy issues related to the Comprehensive Plan, various Neighborhood Plans, and other planning initiatives which may require changes to the UZC. He commented that recently the Committee has been meeting on a more regular basis to finalize the Comprehensive Plan. He said as they move forward with the Plan and monitoring of it, he will be recommending that the Committee meet at least once a month.

DAILEY brought up the possibility of changing the Subdivision Committee meeting date and time. There was brief discussion regarding why the meeting is scheduled on that date and time and other scheduling conflicts.

The Metropolitan Area Planning Commission adjourned at 2:00 p.m.

State of Kansas)
Sedgwick County) ^{ss}

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

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

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

(SEAL)