

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

October 15, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 15, 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; John Dailey; Bob Dool; Bill Ellison; David Foster; Matt Goolsby; Debra Miller Stevens; M.S. Mitchell; Bill Ramsey; Lowell Richardson; John Todd and Chuck Warren. David Dennis and Joe Johnson 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, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

DAVID BARBER, INTERIM PLANNING DIRECTOR announced that the City of Wichita and Sedgwick County jointly decided to hire Mr. Dale Miller, Current Plans Manager, as the new Director of Planning.

MILLER indicated that he was looking forward to the opportunity.

CHAIR NEUGENT said she was glad to see that they went “in house” and hired someone with Mr. Miller’s experience.

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1. Approval of the September 17, 2015 Planning Commission Minutes.

MOTION: To approve the September 17, 2015 Planning Commission minutes.

MITCHELL moved, **WARREN** seconded the motion, and it carried (11-1).

ELLISON - Abstained.

Approval of the October 1, 2015 Planning Commission Minutes.

MOTION: To approve the October 1, 2015 Planning Commission minutes.

WARREN moved, **TODD** seconded the motion, and it carried (9-3). **GOOLSBY, MITCHELL** and **RICHARDSON** - Abstained.

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2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2009-00075: Revised One-Step Final Plat – DOWNWIND ESTATES 2nd ADDITION**, located South side of 71st St. South and on the west side of 143rd St. East.

NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. The site has been approved for a zone change (ZON2010-00040) from Rural Residential (RR) to Single-Family Residential (SF-20) along with a Conditional Use (CON2010-00038) to allow expansion of an existing airport. This plat includes the vacation of a portion of 71st Street South.

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. The site is currently located within the Sedgwick County Rural Water District Number 3. If service is available, feasible and the property is eligible for service, County Code Enforcement recommends connection.
- 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. The taxiway easement needs to be referenced in the platting text.
- E. The plat denotes a public street and a private street opening along 143rd Street East. Complete access control has been denoted along 73rd Street South and two openings along 139th Street East. County Engineering has approved the access controls.
- F. Since the vacation of 71st Street South has created a dead end extending from 143rd Street South, County Public Works recommends a temporary cul-de-sac easement within Downwind Estates Addition to the north that would automatically become void upon vacation of 71st Street South. The turnaround shall be in accordance with the Sedgwick County Service Drive Code and a guarantee submitted for its construction.
- G. County Public Works has approved the drainage plan.
- H. County Public Works advises that Reserve C needs to indicate drainage and utility easements.
- I. The applicant will be platting Lots 19 and 20, Block 1 as a reserve.
- J. The emergency access easement located within Reserve B 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 County Fire Department standards.
- K. The applicant informed Staff that he proposes off-site private streets north of 71st Street South connecting with Reserve B and extending to 143rd Street East. County Fire Department and County

Public Works request a detailed access plan for this adjoining property to the north. In the event the private street system to the north does not connect with 143rd Street East, a turnaround will be needed in conformance with the Sedgwick County Service Drive Code.

- L. Sedgwick County Fire Department has advised the plat and off-site roads will need to comply with the Sedgwick County Service Drive Code.
- M. A restrictive covenant shall be submitted regarding the proposed reserves, which sets forth ownership and maintenance responsibilities. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a 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. Reserve A shall include a landscape screen as a use listed in the plat's text.
- N. The applicant shall guarantee the construction of the private street (Reserve B) to a suburban street standard. As private improvements, such guarantee shall not be provided through the use of a petition. The applicant shall guarantee the construction of 139th Street East and 73rd Street South. A guarantee is also required for the closure of the 71ST Street South street return abutting Lot 7.
- O. On the final plat tracing, the MAPC signature block needs to reference "Carol Chapman Neugent" as Chair.
- P. County Surveying advises all the curve data needs shown on the final plat.
- Q. County Surveying advises the section line along the north line of the northeast quarter of the northeast quarter needs shown with a bearing and a distance.
- R. County Surveying advises the monument at the southwest corner of the northwest quarter of the northeast quarter needs to be shown as set or found, or the theory of location shall be shown on the final plat.
- S. County Surveying advises the dimensions for the exception of the east 467.00 feet of the north 653.56 feet needs to be shown.
- T. County Surveying advises a dimension needs added on the west line of Lot 2, Block 1.
- U. County Surveying advises the dimension on the east line of Lot 3, Block 1 needs corrected.
- V. County Surveying advises all the recording data for the existing street right-of-way needs to be shown.
- W. County Surveying advises the notary for "Greg Thomas" needs corrected to "Greg O. Thomas".
- X. The standard language regarding vacation statutes need to reference "K.S.A. 12-512b, as amended".
- Y. The plat's text shall reference "lots, a block, reserves and streets".

- Z. The MAPC signature block needs to reference “W. David Barber – Interim Secretary”.
- AA. The platting binder indicates a party holding a mortgage on the site. This party’s name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- 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. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- 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 removal or relocation of existing equipment of utility companies 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).

NEIL STRAHL, Planning Staff presented the Staff Report. He reported that several items were discussed at the Subdivision Meeting including Item F. vacation of the street and creation of a dead end and temporary cul-de-sac. He said the applicant has submitted a drawing for staff review; Item G. the drainage plan has been approved; and Item K. plat of private street, Reserve B and an off-site turnaround to the north. He said a circular turnaround has been submitted by the applicant and approved by staff. He said there will also be a loop street connection to the north, extending to the east for future circulation. He said the drawing has also been approved by the County Public Works Department. He said the detailed access plan has been submitted as requested.

ELLISON asked about the volume of aircraft going in and out of the area.

STRAHL said he would let the applicant address that question.

STRAHL continued with the Staff Report and referred to Item M. regarding the landscape screening located in the Reserve to the west. He said the Subdivision Committee was concerned about headlights from traffic on 61st Street. He said there will be a berm easement platted in the Reserve on the revised plat.

DAILEY said he had a question on the berm and said as autos turn the corner and head north, their headlights will sweep across aircraft if it is coming in from the north and going south. He asked if the berm should be extended so the angle of the lights won't be flashing into the eyes of pilots.

STRAHL commented that the curve is to the south only.

CHAIR NEUGENT requested that Commissioners wait until the presentation is over to ask questions and be recognized by the Chair.

STRAHL continued with the Staff Report referring to Item N. that required several guarantees including the private street which was Reserve B bisecting the plat, closure of 71st south on the east side and guarantees for the temporary turnarounds located to the north and east of the vacated street. He said all other comments by staff were addressed in the revised plat received by staff this morning.

RICHARDSON said he requested that this be heard so the Commission has an understanding of what they are being asked to do. He said because the applicant owns property on both sides of 71st, they can close that as part of the plat. He said the Commission is being asked to formally close 71st Street but the compromise here has been the loop around to the south.

WARREN asked how far from 71st to the south will the screening extend to help block lights from oncoming traffic into the eyes of the pilots using the runway.

STRAHL said it looks like about 120 feet, but he would let the applicant address that question.

WARREN verified that the circulation plan showed access to existing roadway.

STRAHL responded yes.

CHAD ABBOTT, ABBOTT SURVEYING, AGENT AND LAND SURVEYOR FOR THE APPLICANT said they are in agreement with staff comments. He said they will be getting with the County Surveyor to make sure they understands their comments on items P. and Z. and exactly how they want that information shown on the final plat. He added that the landscaping berm is 120 feet.

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

WARREN moved, **RAMSEY** seconded the motion.

CHAIR NEUGENT asked staff didn't the City of Derby object to this when it was originally proposed.

ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR responded yes, and added that it is his understanding that Derby is now willing to agree to this.

WARREN explained that extension of the road to the loop wasn't exactly what everyone wanted but it was the compromise that everyone was in agreement on.

GREG THOMAS, 6821 SOUTH 143RD STREET EAST, DERBY, APPLICANT AND ONE OF THE OWNERS OF CROSSWINDS AVIATION said they do not know the exact number of planes that use the airfield but added that on any given day if the weather is nice they could have anywhere from 75 – 100 landings. But he added, if the weather is bad, there could be as few as two landings. He said last weekend they had over 300 landings. In answer to Commissioner Ellison's question, he said Cook Airfield was established in 1957.

ELLISON said he flew into Cook Airfield many times when he was a pilot. He asked if the project would upgrade the runway surface because it was questionable back then.

THOMAS said the runway was upgraded in 2004, in addition to new lighting, new taxiways last year. He said this proposed upgrade will extend the runway to 3,200 feet which will upgrade the field to "Community Airfield Status." He mentioned that they have also removed the trees to the north and south of the runway.

DAILEY asked about the width of the runway.

THOMAS said it was 40 feet right now, but they have plans to widen it to 60 feet.

GOOLSBY asked if the FAA has signed off on the road loop.

THOMAS said KDOT approved the plan in 2013. He commented that the FAA controls the air space, not the airfield. He said KDOT has approved and has funded the plan.

TODD asked if vacation of 71st Street was an issue.

MILLER advised that State Law allows you to vacate street right-of-way as part of the replat.

The **MOTION** carried (12-0).

2-2. SUB2015-00027: Final Plat – PEARL BEACH ADDITION, located on the southeast corner of 29th Street North and Hoover Road.

NOTE: This site is located in the County adjoining Wichita's municipal boundaries and annexation is required. The site is currently zoned Single-Family Residential (SF-20) and Limited Commercial (LC). The residential portion of the property will be converted to Single-Family Residential (SF-5) upon annexation. This final plat is a portion of the overall preliminary plat, covering the northern portion of the site - and represents the first phase of development. The final plat is consistent with the preliminary plat in regards to lot configuration and street layout.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. Upon annexation, the residential portion of the property will be zoned Single-Family Residential (SF-5) and allow for the lot sizes being platted. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that the applicant needs to extend water (transmission and distribution) and sewer (main and lateral) to serve all lots being platted.
- 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. City Stormwater Management has approved the drainage plan.
- E. The plat proposes one street opening along Hoover and one street opening along 29th Street North. Traffic Engineering has approved the access controls.
- F. City Fire Department has approved the street lengths of Gulf Breeze Cir (839 feet) and Wavecrest Cir (2150 feet). The Subdivision Regulations limit urban cul-de-sacs to 800 feet in length unless an emergency access easement is proposed. 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.

- G. City Fire Department advises the turnarounds must meet the minimum 38-foot paved radius requirement for cul-de-sacs over 150 feet contingent upon approval of the City of Wichita. The turnaround for Wavecrest Circle shall be a 35-foot paved radius contingent upon a paved emergency access connection to the south.
- H. 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. Traffic Engineering requests the easements be labeled as “street, sidewalk, drainage and utility easements” or sidewalks referenced in the platting’s text.
- I. Sedgwick County Public Works requests that if 29th Street is not required to be annexed, the use of Curtis Street be restricted to gated emergency access until such time as 29th Street North is paved. The applicant has submitted a revised plat denoting a 60-foot emergency access opening for Curtis Street with a Note that the opening shall become a full movement opening at such time as 29th Street North is paved.
- J. 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.
- K. The Applicant shall guarantee the paving of the proposed streets and the emergency access easement. The guarantee shall also provide for sidewalks on at least one side of Pearlbeach Street and Curtis Street.
- L. 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/County Fire Department standards.
- M. Since Reserve J 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 Services for review prior to issuing a building permit for the pool.
- N. 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 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.
- O. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- P. The Applicant has submitted a revised plat with a 15-foot building setback for Lots 19 and 20, Block A, 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. 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. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within 10 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 Engineers' office.
- R. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- S. GIS has approved the street names.
- T. Due to the northwest corner of the plat zoned Limited Commercial (LC), a zone change to SF-5 Single-Family Residential is needed. In the alternative, a restrictive covenant may be provided limiting the site to SF-5 uses.
- U. 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.
- V. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- W. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- X. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Y. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

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

AA. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) 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.

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

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

DD. A compact disc (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 disc. If a disc is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

FOSTER requested clarification that Item #G. was a 38 foot temporary turn around to meet current Fire standards.

STRAHL said that could be corrected.

RAMSEY said he thought the Committee agreed that it would be whatever the Code required.

FOSTER said he was comfortable either way.

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

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

2-3. **SUB2015-00031: One-Step Final Plat – FOREST HILLS OFFICE PARK 5TH ADDITION**, located on the southwest corner of Central and Webb Road.

NOTE: This is a replat of Forest Hills Office Park 2nd Addition, Forest Hills Office Park 3rd Addition, Forest Hills Office Park 4th Addition and Forest Park Shops Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that all lots are currently being served by water and sewer.
- B. City Stormwater Management has approved the applicant's drainage plan.
- C. The plat proposes two openings along Central and two openings along Webb Road. Traffic Engineering has approved the access controls subject to correcting the dimension along the northerly access control along Webb Road.
- D. Cross-lot circulation is needed to assure internal vehicular movement between the lots. In the event the existing driveway easements do not address Lot 5, then a cross-lot circulation agreement shall be provided.
- E. County Surveying requests to be sent the closure calculations for the contiguous portion of the legal description, and to be contacted thereafter.
- F. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- G. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- H. 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.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. 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.
- K. 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.
- L. 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.

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

N. Kansas Gas Service (KGS) advises of existing facilities within the area being replatted. KGS Engineering would like to review the proposed plat and identify any potential issues with KGS facilities. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

O. 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 was no public comment.

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

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

2-4. SUB2015-00033: One-Step Final Plat – OATVILLE ELEMENTARY ADDITION,
located on the west side of Hoover, South of MacArthur Road.

NOTE: This unplatted site is zoned Single-Family Residential (SF-5) and Single-Family Residential (SF-20). A portion of this site is located in the County adjoining Wichita's boundaries and annexation is required.

STAFF COMMENTS:

A. As a portion of this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. Upon annexation, that portion of the property will be zoned Single-Family Residential (SF-5). The final plat shall not be scheduled for City Council review until annexation has occurred.

B. City of Wichita Public Works and Utilities Department advises that water is available. In-lieu-of-assessment fees are due (transmission and distribution). A No protest for future sanitary sewer extension is needed.

C. City Environmental Health Division advises that the property is more than 150 feet from existing sanitary sewer. If the lot is developed, it will need to have a septic system that is approved by Environmental Health.

- D. City Stormwater Management has approved the applicant's drainage plan.
- E. The plat proposes one access opening along Hoover Road. Traffic Engineering has approved the access controls.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance 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 Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- 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 face of the plat indicates that a blanket pipeline easement exists for the area involved in this plat. County Surveying advises that the Applicant shall obtain a partial release of this easement. The pipeline easement shall be located by the surveyor and shown as a contingent pipeline easement. The plat's text shall state that the easement is "in the process of being confined as shown and contingent upon recording of necessary documents".
- K. 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.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. 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.
- N. 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.
- O. 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.

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

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

R. 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).

TODD asked why the Oatville School District was involved in the zoning change.

Staff indicated that the case was not a zone change; it was a plat.

RICHARDSON explained that they are platting it to build a parking lot.

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

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

2-5. SUB2015-00034: One-Step Final Plat – RIB CRIB WICHITA ADDITION, located East of Eisenhower Airport Parkway, on the South side of Taft.

NOTE: This is a replat of the Mary Ellen Addition in addition to unplatted property to the west. The applicant requests a zone change (ZON2015-00045) from Single-Family Residential (SF-5) to Limited Commercial (LC).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer.
- B. The plattor's text shall include the language "The utility easement is hereby granted as indicated for the construction and maintenance of all public utilities."
- C. The plattor's text shall include the language "Existing public easements and dedications being vacated by virtue of K.S.A. 12-512b, as amended."

- 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 applicant's drainage plan.
- F. The owner's certificate shall begin with the following sentence: "Know all men by these presents that We, the undersigned, have caused the land described in the surveyor's certificate to be platted into a lot, a block and a street to be known as "Rib Crib Wichita Addition", Sedgwick County. Kansas."
- G. Traffic Engineering has required access controls along Taft denoting the westerly opening as shown on the site plan. A restrictive covenant will be needed consenting to closure of the easterly drive along Taft upon mutually agreeable future cross-lot access granted from the adjoining property to the east when and if the adjoining property is rezoned or replatted. The final plat shall reference the dedication of access controls in the plat's text: "All access controls are hereby dedicated to the City of Wichita".
- H. The applicant has dedicated an additional 15 feet of right-of-way along Taft resulting in a 45-foot half street right-of-way. The 50' label shall be replaced with 45'.
- I. "Formerly Mary Ellen Addition" needs to be removed from the face of the final plat.
- J. 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.
- K. As the plat consists of a commercial lot abutting non-arterial streets, the Subdivision regulations require sidewalks along the street frontage of both Taft and Ridge Road. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.
- L. "Annexed Plat" referenced in the owner's certificate and surveyor's certificate shall be replaced with "plat".
- M. County Surveying advises there is a recorded sewer easement that lies within the now platted utility easement.
- N. The County Commissioner Certificate may be deleted since this is a City plat.
- O. 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.
- P. On the final plat tracing, the MAPC signature block needs to reference "Carol Chapman Neugent" as Chair.
- Q. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.

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

CC. The surveyor's certificate shall be revised to reference "City of Wichita, Sedgwick County, Kansas"

DD. The MAPC signature block needs to reference "W. David Barber – Interim Secretary".

There was no public comment.

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

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

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2015-00041: City request to vacate a portion of a platted front setback .

APPLICANT/AGENT: Genaro & Brandi Arroyo (owners)

LEGAL DESCRIPTION: Generally described as the inside 10 feet of the platted 30-foot front yard setback of Lot 5, Block D, Meadowview Estates Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between Tyler and Ridge Roads, south of Central Avenue, south of Jennie Street on the east side of Woodchuck Lane (WCC #V)

REASON FOR REQUEST: Remove existing encroachment

CURRENT ZONING: Subject property, all abutting and adjacent properties are zoned SF-5 Single-Family Residential

The applicants propose to vacate the inside 10 feet of the platted 30-foot front yard setback on Lots 1, 5, Block D, Meadowview Estates Addition. The subject site is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setback was not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20% resulting in a 20-foot setback. The applicants' request does not exceed what is permitted by an Administrative Adjustment. There are no platted easements in the described portion of the platted front yard setback. There are no utilities within the described portion of the platted front yard setback; water is located in the Woodchuck Lane right-of-way and sewer is located in the platted easement located in the rear/back yard. The Meadowview Estates Addition was recorded with the Register of Deeds June 20, 1955.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, 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 front setback.

- 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 24, 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 front yard setback 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 inside 10 feet of the platted 30-foot front yard setback on Lot 5, Block D, Meadowview Estates Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via E-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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 inside 10 feet of the platted 30-foot front yard setback on Lot 5, Block D, Meadowview Estates Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via E-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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 was no public comment.

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

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

3-2. **VAC2015-00042: County request to vacate a sanitary sewer and water line easement created by vacation of public street right-of-way.**

OWNER/AGENT: Cessna Aircraft Company (owner) PEC, c/o Charlie Brown (agent)

LEGAL DESCRIPTION: Generally described as vacating the sanitary sewer and water line easement via Quit Claim and a public utility easement created by the vacation (V-2015) of portions of Woodlawn Boulevard and Pawnee Avenue Addition, Sedgwick County, Kansas

LOCATION: Generally located east of Oliver Avenue and southeast of Pawnee Avenue and I-135 (BoCC #5)

REASON FOR REQUEST: Relocation of utilities for expansion of Cessna facilities

CURRENT ZONING: The unplatted site and abutting western and southern properties are zoned LI Limited Industrial. I-135 abuts the north and east sides of the site.

The applicant proposes to vacate the 30-foot wide water and sanitary sewer easement (Misc. Record 290-Pg. 53, Quit Claim Deed Bk 1445-Pg. 150) and a portion of a 90-foot wide public utility easement created by the vacation of portions of Pawnee Avenue and Woodlawn Boulevard; V-2015, FLM 1687-Pg. 216. The applicant has provided dedications of a water line easement and a sanitary sewer easement proposed to cover re-located utilities; provide approved private project plan number for relocated utilities. Shane Price is the Westar Construction Services Supervisor for this area and can be contacted at 261-6315. Any and all relocation and removal of any existing Westar equipment made necessary by this vacation request will be at the applicant's expense.

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 is required.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, 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 sanitary sewer and water line easement via Quit Claim and the public utility easement created by the vacation of public street right-of-way.

- 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 24, 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 sanitary sewer and water line easement via Quit Claim and the public utility easement created by the vacation of public street right-of-way 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 County Standards and shall be the responsibility and at the expense of the applicant. 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 County Commission for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the County Commission for final action and subsequent recording with the Vacation Order at the register of Deeds.

- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission 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 County 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 County Commission for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the County Commission for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission 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.

There was no public comment.

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

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

- 3-3. **VAC2015-00043: City request to vacate a platted joint drive easement**, generally located midway between Oliver and Hillside Avenues, north of Harry and Wilma Streets on the east side of Bluffview Drive.

Staff announced that the case was withdrawn.

- 3-4. **VAC2015-00045: City request to vacate a utility easement dedicated by separate instrument.**

OWNER/AGENT: HD Realty (owner) Baughman Company c/o Russ Ewy (agent)

LEGAL DESCRIPTION: Generally described as vacating the 5-foot wide utility easement referenced in the plattor's text and located parallel to the south lot lines of Lots 51 & 52, Linwood Acres Addition and the east 254 feet of the 10-foot wide platted utility easement running parallel to the north lot line of Lot 1, Scholfield Brothers Addition, Sedgwick County, Kansas.

LOCATION: Generally located north of Kellogg Street, west of I-35, at the southwest corner of Lewis and Ellison Streets (WCC #II)

REASON FOR REQUEST: Relocation of utilities for expansion of facilities

CURRENT ZONING: The site is zoned LC Limited Commercial and GC General Commercial. Abutting and adjacent western, southern and eastern properties are zoned GC. Adjacent north properties, across Lewis Street, are zoned SF-5 Single-Family Residential, MF-18 Multi-Family Residential, TF-3 Two-Family Residential and MH Manufactured Housing.

The applicant proposes to vacate the 5-foot wide utility easement referenced in the plattor's text and located parallel to the south lot lines of Lots 51 & 52, Linwood Acres Addition and the east 254 feet of the 10-foot wide platted utility easement running parallel to the north lot line of Lot 1, Scholfield Brothers Addition. There is a sewer line located in the subject easements. The applicant will need to provide an approved private project plan number for relocated utilities. Westar has existing equipment in the area of the vacation. LaDonna Vanderford is the Westar Construction Services Representative for this area and can be contacted at 261-6490. Any and all relocation and removal of any existing Westar equipment made necessary by this vacation request will be at the applicant's expense. The Linwood Acres Addition was recorded with the Register of Deeds October 7, 1929. The Scholfield Brothers Addition was recorded with the Register of Deeds July 29, 1981.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, 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 utility easement referenced in the plattor's text 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 24, 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 utility easement referenced in the plattor's text 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) 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 County Commission for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission 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 County Commission for final action.

- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission 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.

There was no public comment.

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

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

PUBLIC HEARINGS

4. **Case No.: ZON2015-00040** – 1400 Douglas Group, LLC (Paul Gray) request a City zone change from LI Limited Industrial to CBD Central Business District on property described as:

Lots 76, 78 and 80, Chicago now Douglas Avenue, Supplemental Plat to Martinson's 1st Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking a zone change from Limited Industrial (LI), subject to the Delano Overlay (D-O) district for property located at the northeast corner of West Douglas Avenue and North Elizabeth Avenue (1420 and 1440 West Douglas Avenue). The property is developed with a commercial building used for warehouse distribution and storage with associated parking. The property is platted as Lots 76, 78 and 80 Supplemental Plat to Martinson's 1st Addition, recorded in 1912. The property contains approximately 10,026.64 square feet. A 15-foot east-west alley was originally platted along the north line of Lots 76-80; however, that segment of the alley was vacated by Ordinance 11-471, and is owned by the applicant. The applicant is seeking the zone change to allow for increased flexibility in uses and the elimination of the requirement for the property to have to provide off-street parking.

Property located north of the site is developed with warehouse distribution/storage, and is zoned LI. Lots located to the east are zoned Limited Commercial (LC) and LI, and are developed with a fast food

restaurant. South, across West Douglas Avenue, the land is zoned LC, and is developed with retail and commercial uses. Land located to the southwest is zoned LC, and is an auto repair establishment. West of the site, across Elizabeth Avenue are row commercial, retail and office uses zoned LC and LI.

The site is located in and subject to the Delano Overlay Neighborhood District (D-O) that established 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 LI 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.

CASE HISTORY: The property was included in the Delano Neighborhood Revitalization Plan (2001) and Delano Overlay Neighborhood District (D-O) (DR2003-00009).

ADJACENT ZONING AND LAND USE:

North: LI; warehouse distribution/storage
South: LC; retail
East: LC and LI; fast food restaurant
West: LC; row retail/commercial

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.

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 be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property located north of the site is developed with warehouse distribution/storage, and is zoned LI. Lots located to the east are zoned Limited Commercial (LC) and LI, and are developed with a fast food restaurant. South, across West Douglas Avenue, the land is zoned LC, and is developed with retail and commercial uses. Land located to the southwest is zoned LC, and is an auto repair establishment. West of the site, across Elizabeth Avenue are row commercial, retail and office uses zoned LC and LI.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI subject to the Delano Overlay development standards, which permits a wide range of office, commercial and industrial uses by right. The property can be economically viable as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a broader range of uses than the surrounding LI and LC zoned properties; however, the site will still be subject to the Delano Overlay district development standards that should minimize any known negative impacts. Primarily, the zone change will eliminate the requirement to provide off-street parking.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Rezoning the site to CBD would potentially offer a wider range of uses which should make the property more valuable, which, in turn, should aid in keeping the site occupied with services or uses utilized by neighborhood residents.
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 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. The site has had access to public services for many years.

DALE MILLER, Planning Staff presented the Staff Report.

PAUL GRAY, APPLICANT, 1861 N. ROCK ROAD, STE 200 said this was part of a proactive effort by him and his partners to convert multiple properties in the Delano area to CBD zoning for consistency among the properties and to alleviate parking issues as they transition to new tenants at the various locations. He said they believe tearing down buildings to create parking stalls is counterproductive to revitalization efforts in Delano. He said he would like the City to look at overlay options and a universal parking plan in the area in the future similar to what was done in Old Town.

DAILEY asked the applicant about other properties he owns in the area.

GRAY briefly reviewed properties owned in the area including Rubens Mexican Restaurant and Picasso Pizza. He said the Picasso Pizza site has come to the Planning Commission for rezoning to CBD previously because MABCD would not issue a permit due to lack of parking.

RICHARDSON asked where patrons are supposed to park.

GRAY said there are three spaces in the front of the location, plus patrons can park along Elizabeth Street. He said there is also potential parking in the rear of the building at the dock area. He said the parking solution isn't apparent for each individual parcel. He said it is difficult to come up with a solution depending on who the tenant is. He said people can park on the streets like they do in Old Town and downtown. He said he wishes he had a better answer but he can't tell if there will be enough parking for a tenant five years from now.

NEAL STONG, 3441 W. HARRY said he owns the Nu-Way Store at 1416 West Douglas. He said in 1998 he added on to the building and he was required to provide 40 parking spaces. He said now he has a neighbor who wants to increase the use of his building and there is not adequate parking in the area. He said people are already using his parking lot to park in instead of parking on the streets. He said this location is quite a ways away from the action in the central Delano area. He said he is not trying to be hard to get along with but he doesn't know where people are going to park. He said he doesn't have a problem if they park in his parking when he is not busy, but when Nu-Way is busy, it is a problem. He said he pays the taxes and costs of repair to the lot. He said there are three parking spaces on Douglas and one on Elizabeth. He commented that the tenant, a nice young man who is trying to make a living, is currently selling plants, fertilizer and seeds. He said he knows the more people that come into the

area, the better business is for everyone, but he doesn't know where they are going to park. He mentioned a tattoo business to the east and said he doesn't know what his recourse is if people continue to park in his parking lot. He said his store has been at this location since 1930 and he would like to be there for another 85 years.

GRAY commented that there is a possibility in the future, if they have continued demand for parking and have a strong tenant, to increase the amount of parking spaces by opening up the area that is currently landscaped. He said even if that area is opened up, it still may not fit the current threshold and regulations regarding parking. He said the current zoning is LI so several uses could go into the building that may require increased parking. He said they are asking for some latitude to help them negotiate with a tenant instead of waiting for months for some type of parking plan in the area.

ELLISON referred to the aerial of the location and asked what was the blue area north of the property.

GRAY explained that it was abandoned railroad deeded back to City about 15-20 years ago. He said there was some talk around eight years ago about making it into a walking/biking path. He said there was also some interest at one time in creating parking; however, when the economy changed in 2007-2008, those ideas went by the wayside.

ELLISON commented that in his opinion the whole Delano area is hampered for the small business owner by the lack of parking. He said the parking issue is stunting the growth of the area and possible future business activities.

GRAY said he agreed. He added that he is sympathetic to the concerns of his neighbor and believes Mr. Stong had to overcome a lot of challenges to get the parking he has. He said they will do their best as neighbors to talk to their tenants and post signs regarding parking to divert people to park where they are supposed to and not in the private parking spaces of adjacent property owners.

FOSTER asked staff about the idea of a universal parking solution. He said the more these locations are rezoned to CBD zoning, it is going to force the City to come up with a solution.

MILLER said if private property owners can't solve the problem and there is "poaching" of parking spaces, then that would create issues that have to be addressed. He explained that the City created a Parking District in Old Town up front charging tenants and owners a monthly fee to build public parking. He said at the time the Delano Plan was adopted, the owners and tenants were not interested in the City doing that to address any parking issues.

BARBER commented that about a year and a half ago, Planning Staff did a parking analysis in the area of Seneca to Sycamore, which is located east of this area. He said there are parking problems there as well. He said they came up with different solutions and options but could not find agreement among property owners. He said they were reluctant to move forward without the support of the local community.

MOTION: To approve subject to staff recommendation.

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

RAMSEY said he was getting a little frustrated with the lack of decorum. He requested that Commissioners be recognized by the Chair instead of just blurting out questions.

GOOLSBY said he seconded that.

CHAIR NEUGENT commented that would be wonderful.

- 5. **Case No.: ZON2015-00041** - F&T Properties, LLC and 1520 W. Douglas, LLC (Paul Gray) request a City zone change from LI Limited Industrial to CBD Central Business District on property described as:

Lots 21 and 22, Block 8, Junction Town Company Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking to rezone 1520 West Douglas Avenue from Limited Industrial (LI) to the Central Business District (DBD). The site contains 3,232.58 square feet, and is developed with a row commercial building. The subject site is platted as Lots 21 and 22, Block 8, Junction Town Company Addition. The applicant is seeking the zone change to allow for increased flexibility in uses and the elimination of the requirement for the property to provide off-street parking. Central Business District zoning is the only zoning district that does not require off-street parking. There have been other requests for CBD zoning in the Delano District that have been approved or are pending a decision: ZON2013-00038, ZON2014-00030, ZON2015-00023, ZON2015-00034, ZON2015-00035, ZON2015-00039, ZON2015-00040 and ZON2015-00041.

Land located north of the application area is zoned General Commercial (GC) and LI, and is used for parking, office and outdoor storage. Land located east, south (across West Douglas Avenue) and west of the subject site is zoned Limited Commercial (LC), and is developed with either row commercial or single-family residential uses.

The site is located in and subject to the Delano Overlay Neighborhood District (D-O) that established land use and site development policies specific to the district. For example, even though a car wash or car sales are permitted by right in some zoning districts, the D-O district requires conditional use approval.

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 and reduced building setback requirements (the CBD district permits zero setbacks; setbacks in the LI 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.

CASE HISTORY: The property was included in the Delano Neighborhood Revitalization Plan (2001) and Delano Overlay Neighborhood District (D-O) (DR2003-00009).

ADJACENT ZONING AND LAND USE:

North: GC, LI; parking, office, outside storage
South: LC; single-family residences
East: LC; row commercial uses
West: LC; row 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.

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 be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north of the application area is zoned GC and LI, and is used for parking, office and outdoor storage. Land located to the east, south (across West Douglas Avenue) and west is zoned LC, and is developed with either

row commercial or single-family residential uses. The application area and the land surrounding it are part of the Delano District, one of the older developed areas in Wichita. The site and the property surrounding it are subject to the Delano Overlay district that contain unique development standards.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI subject to the Delano Overlay district. The LI zoning district and the D-O district permit a wide range of industrial, commercial and office uses, which presumably provide the site with economic value. Property zoned LI is required to provide off-street parking, which the CBD district does not require.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a broader range of uses than the surrounding LI and LC zoned properties; however, the site will still be subject to the Delano Overlay district development standards that should minimize any known negative impacts. Primarily, the zone change will eliminate the requirement to provide off-street parking.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Rezoning the site to CBD would potentially offer a wider range of uses which should make the property more valuable, which, in turn, should aid in keeping the site occupied with services or uses utilized by neighborhood residents.
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: The application area is located in an area of town that has been served by community facilities for many years. Approval of the request will not negatively impact community facilities.

DALE MILLER, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

GOOLSBY moved, **RICHARDSON** the motion, and it carried (12-0).

- 6. **Case No.: ZON2015-00042** - City of Wichita, Susan Nguyen, Johnson and Anna Tieu (owners(s)/applicants) and MKEC Engineering c/o Brian Lindebak (agent) request a City zone change from TF-3 Two-family Residential, MF-29 Multi-family Residential and B Multi-family Residential to LC Limited Commercial on property described as:

Commencing at the Northwest Corner of said Northwest Quarter; thence East along the north line of said Quarter, 60 feet; thence South parallel with the west line of said Quarter, 50 feet; thence East parallel with said north line, 35 feet to the Point of Beginning; thence East parallel with said north line, 121.5 feet to the Northwest Corner of Lot 1, McGovney Addition to Wichita, Kansas; thence South along the west line of said Lot 1, 169.1 feet to the Southwest Corner of said Lot 1; thence Southwesterly along the west line of Lot 2, said Addition and the west line of Replat of Lots 3 & 4 & part of Lot 2, McGovney Addition to Wichita, Kansas, 232.91 feet, more or less, to the southwest corner of said Replat, said point being 428 feet south and 113.5 feet east of the Northwest Corner of said Quarter; thence Southwesterly along the west line of a tract of land described in Deed Book 981, Page 109, 52.5 feet to the north line of Lot 1, McGovney Second Addition to Wichita, Sedgwick County, Kansas; thence West along said north line, 30 feet; thence North parallel with and 60 feet east of the west line of said Quarter, 390 feet; thence Northeast, 49.5 feet to the Point of Beginning.

AND

The North 30 feet of Lot 2, McGovney Addition to Wichita, Kansas, Sedgwick County, Kansas.

AND

Lot 1, in Replat of Lots 3 & 4 & Part of Lot 2, McGovney Addition to Wichita, Kansas, Sedgwick County, Kansas.

BACKGROUND: The application area is located at the southeast corner of the intersection of South Oliver Avenue and East Harry Street (4805 E. Harry St. and 1641 S. Glendale Ave.) The subject property is 1.14 acres of unplatted landed currently owned by the City of Wichita, .062 acres described as the north 30 feet of lot 2, McGovney Addition and .58 acres of lot 1, in Replat of lots 3 and 4 and part of lot 2, McGovney Addition, Wichita, Sedgwick County, Kansas. The unplatted portion of the subject site is zoned TF-3 Two-family Residential, the north 30 feet of lot 2 is zoned MF-29 Multi-family Residential and the Replat of lots 3 and 4 is zoned B Multi-family Residential. The applicant is seeking LC Limited Commercial (“LC”) zoning for the property. The majority of the property is currently undeveloped, while .58 acres of the property currently zoned B is developed with a garden apartment complex. It is proposed that this site will be redeveloped into a new convenience store.

East Harry Street at this location has sixty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Oliver Avenue at this location has fifty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Glendale Avenue at this location has thirty-feet of half-street right-of-way, and is developed as a two-lane residential/local road.

The property will have frontage along Harry Street and Oliver Avenue, which are significant commercial arterials, which in July 2015 carried in both directions approximately 37,000 (Harry Street) and 26,500 (Oliver Avenue) vehicles on an average day. A number of properties fronting Oliver Avenue and Harry Street are zoned LC and developed with restaurants, retail sales, personal service or personal care uses and offices. Land to the east are zoned TF-3 and are developed with residential uses. Property to the south is zoned both TF-3 and LC Limited Commercial and is developed with offices and an electrical substation. Property north (across Harry Street) of the site is zoned LC and is developed with offices. Property west of the site (Across Oliver Avenue) is zoned SF-5 Single-family Residential and is developed with a golf course.

CASE HISTORY: A portion of the subject area is platted as McGovney Addition Replat Lots 3 and 4 platted on February 11, 1963. Another portion of the subject site is platted as the north 30 feet of Lot 2, McGovney Addition platted on August 29, 1962. The remaining area (approx. 1.15 acres) is unplatted right-of way owned by the City of Wichita.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Offices
SOUTH:	LC and TF-3	Office and Substation
EAST:	LC and TF-3	Retail and Residences
WEST:	SF-5	Golf Course

PUBLIC SERVICES: East Harry Street at this location has sixty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Oliver Avenue at this location has fifty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Glendale Avenue at this location has thirty-feet of half-street right-of-way, and is developed as a two-lane residential/local road. The site is located in an area that is fully served by municipal and private utilities.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the property as being appropriate for “local commercial” uses. The “local commercial” designation contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property will have frontage along Harry Street and Oliver Avenue, which are significant commercial arterials, which in July 2015 carried in both directions approximately 37,000 (Harry Street) and 26,500 (Oliver Avenue) vehicles on an average day. A number of properties fronting Oliver Avenue and Harry Street are zoned LC and developed with restaurants, retail sales, personal service or personal care uses and offices. Land to the east are zoned TF-3 and are developed with residential uses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is currently zoned TF-3, MF-29 and B. Those residential zoning districts are less suited to the location today given the amount of LC zoning found on lots fronting Harry Street and Oliver Avenue north, south and east of the application area. Also, the site's split zoning probably limits the property's development potential.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The development standards required by the various codes should minimize anticipated impacts should the request be approved.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Denial would presumably be an economic loss to the applicant. Approval would provide the public with a new and upgraded convenience store along Harry Street and Oliver Avenue.
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 property as being appropriate for "local commercial" uses. The "local commercial" designation contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.
6. **Impact of the proposed development on community facilities:** Existing community facilities are in place or can be guaranteed as part of the subdivision process.

DERRICK SLOCUM, Planning Staff presented the Staff Report. He reported a change to the Staff Report which was to remove the requirement of "subject to platting within one year." He said all three sites are currently platted; however, the applicant plans on replatting the three properties into one lot. He reported that DAB III approved the request 6-1. He said neighbors were present at that meeting and there was discussion regarding access, traffic, flooding and drainage, all issues involved in the platting process not zoning.

FOSTER asked about the 3-day traffic study referenced in the e-mail from the concerned citizen.

SLOCUM indicated that the first he heard about that was at the DAB Meeting. He said he understood that the Council Member requested that Traffic Engineering install strips for a 3-day traffic study. He said that was nothing required by the rezoning request.

BRIAN LINDEBAK, MKEC ENGINEERING, INC., 411 N. WEBB ROAD, AGENT FOR THE APPLICANT introduced Mike Wooten, Quik Trip Corporation.

MIKE WOOTEN, QUIK TRIP CORPORATION, 4705 S. 129th ST. EAST AVENUE, TULSA, OKLAHOMA said he was there to present their request to rezone a portion of the property from residential to commercial to allow a “Generation III” Quik Trip Store at the location. He said they have placed the properties under contract; however, they will not be purchased until the appropriate zoning and plat have been completed. He also mentioned numerous approvals regarding drainage at the site. He referred to a rendering of the area and the drainage. He said the area is referred to as Gypsum Dry Creek and their intent is to connect the underground concrete boxes (four (4) of them) near Harry and Oliver. He said they would like to enclose the open areas, connect them and pave over the existing dry creek.

WOOTEN said drainage approvals for the project need to come from the City of Wichita, the Federal Emergency Management Agency (FEMA) and the Corp of Engineers. He said several entities will be looking at the project. He said if they are not successful, their pursuit to develop this location as a Quik Trip will stop. He said they believe they will ultimately get approval to proceed. He said in addition, they would like to address existing drainage problems on the property.

WOOTEN said they contacted the neighbors on the ownership list (properties within a 300-foot radius of the site) as well as four neighborhood associations in the area and invited them to a meeting on Saturday, September 26. He said they had a good turn out and people asked a lot of questions. He said they were able to explain the project and what they are trying to do and field questions and concerns expressed by the neighbors. He said concerns they addressed, which he indicated they have heard on other projects they have done, included lighting, noise, crime, and property values.

WOOTEN indicated they made modifications to the site plan based on some of the neighbor’s concerns. He mentioned access on Glendale and what kind of traffic the store will be sending down Glendale as opposed to what is going down the street today. He said they will be creating an access point that does not exist on a primary arterial road so they believe they will be reducing the amount of traffic through the neighborhood. He said the front of the lot will be commercial use and the apartment complex will be in the back. He said this project will allow a major drive onto Oliver which should reduce traffic. He said one of the concerns expressed was if there will be a bottleneck on Glendale waiting for traffic. He said they spoke with the City Traffic Engineer and requested a true 35 foot pavement, curb to curb. He said the Traffic Engineer indicated they will support that request, along with all the drives/entrances/exits they have proposed at the site.

WOOTEN mentioned that different folks attended the recent DAB meeting than attended the previous meeting they sponsored; however, they had a lot of the same concerns expressed by the neighbors at the September 26th meeting. He said some of the neighbors are present to speak today but he wanted to give the Commission a brief summary of the project and the concerns expressed by the neighbors. He referred to a rendering of the site plan and mentioned noise control. He said they plan on providing an

overabundance of trees as well as a fence on the parking adjacent to residential zoning. He said the fence will end when it gets adjacent to another commercial use. He said they would like to keep a visibility corridor between the two commercial uses.

RICHARDSON asked if the southwest corner of Harry and Glendale was included in the project. He also asked the applicant to describe the site plan rendering. He said it appears that there is only one access onto Oliver, the arterial street.

WOOTEN indicated the southwest corner of Harry and Glendale was included in the project, and clarified that there was one ingress/egress onto the arterial street of Oliver.

MITCHELL asked if they have received preliminary approval from the various agencies to pave and close off all open drainage across the property.

WOOTEN said they have not received approvals. He referred the question to Brian Lindebak, agent on the project.

LINDEBAK commented that the process to seek approval is currently underway. He said they are doing a Conditional Letter of Map Amendment (CLOMA) with FEMA. He said the case has been filed with FEMA, through the City of Wichita as required. He said they will not be raising the water surface or level upstream. He said it looks like they may actually lower the water surface upstream. He said they hope to receive approval from FEMA within the next couple of months. He said they will then build the box and finalize it with a letter of map amendment. He said this is a fairly lengthy process and could take more than 6 months.

MITCHELL thanked the applicant/agent because he said he has tried for years to get water to go from Oliver up to Harry or down from Harry to Oliver. He said that open channel has been a real hazard and there have been several drownings in the area.

LINDEBAK commented that the structures will be owned and maintained by the City of Wichita.

RICHARDSON asked about the traffic study and if there were any numbers available on anticipated generation of traffic on Glendale.

WOOTEN commented that City Councilman Clendenin requested that study after the meeting on September 26. He said neighbors voiced concerns about the existing conditions on Glendale. He said the study was to measure existing traffic conditions, not to measure the impact or forecast what a particular use might do. He said the results shared at the DAB meeting indicated that Tuesday through Thursday there was 400 vehicles on Glendale in a 24-hour period. He also mentioned that the speed limit was a fraction over the norm. He said it was determined that the study didn't warrant immediate action by the City, that the road could handle the traffic that is there. He said a concern expressed at the DAB was that the traffic count did not include the weekend. He said the Councilman offered to update the traffic study to include the weekend.

PAT STEVENSON, 1622 SOUTH GLENDALE said she lives directly across the street and that she is the first house south on Glendale. She said there will be a Quik Trip 30 feet from her front door. She said the neighbors do not think one entrance/exit onto Oliver is enough to handle all the traffic the Quik Trip is going to generate. She said they were told that the entrance onto Harry needs to be closed because the City does not want it there, and they don't understand that. She said they are concerned about an entrance/exit onto a residential street. She said the gas pumps are behind the building so all those people exiting will be going in front of her house, so she won't be able to have her grandkids in her front yard. She said she has lived in this house over 20 years and this is going to completely change her life. She said she also believes the neighbors will not be allowed to park on the street anymore and that will make it hard on them because the driveways in the area are narrow. She mentioned safety and said there is a school at the end of Glendale which many children walk to and from. She said she likes Quik Trip, but people hang out there, there will be cars getting gas, etc., and noise 24/7. She said having this in her front yard is going to decrease property values. She asked if the neighbors were going to be charged special taxes for street improvements. She concluded by stating that she sees a lot of traffic problems with no more entrances onto main streets than are shown on the site plan.

SANDY DEMMICK, 1676 SOUTH GLENDALE said she has lived in the area for 16 years. She said at the end of the block there is a grade school so children ages from kindergarten through 4th grade walk in the street. She said there is sidewalk on one side of the street that no one uses; everyone walks in the street. She said she has four grandkids that like to play in her front yard. She said the street is in terrible shape and it is very narrow. She said if there are cars parked on either side of the street two cars cannot pass each other. She said no one in the neighborhood turns left onto Harry from Glendale because it is almost impossible. In addition, she said the neighborhood does not want to lose the street parking because the driveways are very narrow with no room to expand. She said there is already a driveway onto Harry that doesn't seem to cause any problems. She said Quik Trip is going to be open 24 hours a day, people are going to be loitering there, walking up and down the street at all hours of the day and night. She said there is a transformer area right next to the gas pumps. She asked what happens if that gets hit by lightning and blows up and starts a fire. She also mentioned fuel trucks going up and down the street. She said people cut through their residential neighborhood to avoid Harry since they have made that a left turn only lane. She also mentioned current traffic conditions with people racing up and down the street at speeds up to 55 mph. She said this is a residential neighborhood and they want to keep it residential. She said they want a nice safe neighborhood and they don't believe Quik Trip is going to help them with that.

RICHARDSON asked if closing Glendale so you can only get to it from the south would be a solution for the neighborhood. He clarified that their objection was not only the traffic but the use as a convenience store.

DEMMICK replied yes, and said Quik Trip is open 24 hours a day. She said if the location is going to be rezoned, how about having a restaurant at the location.

RAMSEY clarified that they are concerned about possible expanded crime in area.

DEMMICK responded yes, they are concerned about crime, property taxes, street width, etc. She said there are multiple reasons to not want a Quik Trip at end of the block.

DIANNA OWENS, 1628 SOUTH GLENDALE said the dilemma they have is a big business wanting to develop a corner that has been a problem corner for many years. She said the two problems she sees is FEMA approval and ingress/egress at the location. She said traffic jams and accidents are all problems that arise after the fact. She asked the applicant to “do their homework” first. She mentioned that narrowness of the street and that a trash truck had to back up to let an ambulance go to the apartment complex. She asked about the Westar Substation and Environmental Protection Agency (EPA) regulations. She asked how far a commercial enterprise has to be from the substation. She asked what the difference between Limited Commercial and Commercial zoning was; was it based on how many hours the business is open, how much traffic it generates, or how much retail sales it generates. She asked the Commission not to make a decision but to delay it and drive by the location.

WOOTEN said the purpose of the rendering was to show the site plan for the Quik Trip, they did not purposely not show where the houses were located. He said the reason the drive onto Harry needs to be closed is the City determined it was no longer an appropriate distance from the intersection of a major arterial road. He said the access plan has been approved by the City Traffic Engineer, including ingress/egress onto Glendale.

MOTION: To give the applicant two additional minutes

GOOLSBY moved, **TODD** seconded the motion, and it carried (12-0).

WOOTEN said as far as the property value question is concerned, he said he has no statistics either way and cannot answer that question. He said he does not believe introducing the Quik Trip Store, compared to the building that is currently at the location today, will lower surrounding property values and in fact might improve property values in the area. He said a Quik Trip is designated as a “Safe Place”, the property is lit 24 hours a day in addition to being monitored by security cameras 24/7. He said in order to get the “Safe Place” designation, employees have to be highly trained to handle Safe Place incidents. He said he believes a Quik Trip might actually deter crime in the neighborhood. He concluded by stating that they have verified that the use near a substation is allowed within 50 feet and they are more than 50 feet away from it.

RICHARDSON asked the applicant if access to Glendale was denied and only access onto Harry and Oliver was allowed, would they still be interested in the property.

WOOTEN said if that were the case, they would not pursue this location.

RICHARDSON said in his opinion they will be loading a lot of traffic onto a residential street. He said he does not see much precedence for this. He said this location is different from what they have seen at other new Quik Trip locations. He said what the applicant is telling them is that they can’t make this work without putting traffic on a residential street which makes him wonder if this is an appropriate use and location.

WOOTEN said this location is an existing commercial use. He likened the layout of this area to the Quik Trip location at Central and Oliver. He said the drive benefits the neighbors and will prevent them from having to go out onto Harry and Oliver. He said they will widen the street at QT’s expense and improve traffic through the area.

FOSTER asked if they would be willing to provide more landscaping as a buffer like the location at Ridge and Maple where 1 ½ times the landscape requirement was provided. He said street trees would further break up the character of the addition. He also suggested the possibility of requiring a masonry wall instead of a fence that will eventually fall down. He said many of these issues will be discussed more seriously at the subdivision stage.

RICHARDSON asked about a possible cul-de-sac at the north end of Glendale.

WOOTEN said that idea was discussed at the neighborhood meeting, and City staff indicated that was not achievable. He said the way it was explained to them was that every owner on the street would have to agree to that. He said the Fire Department also did not approve the idea.

RICHARDSON asked staff to clarify.

SLOCUM said it was not discussed at the DAB hearing.

MILLER said he would have to check with Public Works to see what the policies on that are.

DAILEY said he didn't like the two entrances from Glendale. He said traffic will get piled up on the northern exit onto Glendale. He asked about an entrance/exit onto Harry.

RICHARDSON reiterated that the applicant said they would not pursue the project if they could not have access to Glendale.

GOOLSBY explained that the City Traffic Engineer does not want an entrance/exit onto Harry because it is too close to the intersection.

LINDEBAK commented that this intersection was recently improved at a major cost to the public with double turn lanes. He said this is one of the safest intersections in town if you look at the city's accident reports. He said they believe traffic volume has been addressed at this intersection.

RAMSEY commented that he has ridden with both WPD and Sedgwick County Sheriff's Deputies and they are constantly at Quik Trips so he believes they are one of the safest places in the City so he doesn't see crime as a problem.

WARREN said he was going to make a motion to approve the applicant, and said there is room for further discussion on the site plan, screening and other items the applicant can do to lessen the impact of the store on the neighborhood. He said City Traffic Engineering is only going to allow entrances/ exits to go in where it is safest. He said they have already looked at this site plan and designated entrances/exits. He said it is not great but it is the best they can do under the circumstances.

MOTION: To approve subject to staff recommendation.

WARREN moved, **MITCHELL** seconded the motion.

FOSTER asked staff about addressing issues like the wall, screening and 1 ½ times the landscaping requirement at this stage.

MILLER indicated if the Commission wanted to add anything beyond what is required by the UZC, they need to add those to a PO or the conditions of approval.

The **MOTION WAS AMENDED** to include 1 ½ times the landscaping standard; street trees and that screening be a masonry wall.

WARREN amended the motion with consent of the second **MITCHELL**.

CHAIR NEUGENT asked if the applicant was okay with those requirements.

WOOTEN requested masonry columns along a wooden fence. He said ultimately they have no problems with whatever the Commission requires.

It was decided to stay with the motion of a masonry wall.

DAILEY asked staff about an entrance off of Harry.

MILLER briefly explained that the City's Access Management Policy states that there can be no full movement entrance/exit within 400 feet of an intersection or 200 feet with a right turn only.

DAILEY asked about recommending an exception to the policy.

MILLER indicated that the Planning Commission can recommend anything they feel is reasonable; he was just letting the Commission know what the adopted policy is.

RICHARDSON said that policy is quite often overridden by the Subdivision Committee and others.

MILLER said site access was more of a platting issue and would be discussed during the replat. He said he understands the applicant does not want to close on the property sale without rezoning; however, the Commission could require replatting prior to issuance of a building permit if they wanted to tie it into the rezoning.

LINDEBAK indicated that the applicant needs to know they have the rezoning approved by the City Council because a replat will be unnecessary without it.

SUBSTITUE MOTION: To approve subject to staff recommendation, 1 ½ times the landscaping standard, street trees, that the screening be a masonry wall and that the property be replatted prior to the issuance of a building permit.

RICHARDSON moved, **GOOLSBY** seconded the motion.

TODD said he doesn't like the Commission micromanaging the fence and added that he thought what the applicant suggested was both appropriate and attractive. He said Quik Trip is a good and responsible business. He said he thinks the Commission needs to be careful not to put so many requirements on this that QT runs from the property.

ELLISON commented that he thought the cul-de-sac on Glendale was the solution.

The **SUBSTITUTE MOTION** carried (10-2). **MITCHELL** and **TODD** – No.

7. **Case No.: ZON2015-00044** - J. Larry Fugate Revocable Trust (owner) Jeff and Melinda Bannon (applicant) and Mark Savoy (agent) request a City zone change from GO General Office to LC Limited Commercial on property described as:

Lot 1, Block A, Wichita Ice Center Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a zone change from GO General Office (GO) to LC Limited Commercial on the 50-foot (x) 278.8-foot subject site located approximately 510 feet south of Harry Street on the west side of Webb Road; the north 30 feet of Lot 3, Caliendo 11th Addition. The undeveloped subject site will be added to the undeveloped, north, abutting LC zoned property (ZON2015-00017) to create a larger site.

Most, if not all of the area's LC zoned commercial development is contained in single-story buildings and all of it is local commercial in character. The subject site is part of the LC zoned commercial development located around the four corners of the arterial street intersection of Webb Road and Harry Street. LC zoned property located north of the site includes a Walgreens drug store, a McDonalds fast food restaurant and the already noted abutting undeveloped property. LC zoned development located further north and northeast of the site, across Harry Street, includes (but is not limited to) a Dillons grocery store with a gas island (built 1995 and 2000), a bank with drive thru service (built 1978) and small to mid-size commercial strip buildings (built 1981 and 1989). LC development located east of the site, across Webb Road, include a QuikTrip convenience store (built 2013), a Walmart Neighborhood Market store (built 2011), a Subway fast food restaurant (built 2006), a Taco Shop fast food restaurant (built 1996) and a national/regional auto supply store (built 1996). SF-5 Single-Family Residential zoned undeveloped, unplatted land, a church (built 1976, 1987 and 2011) and single-family residential neighborhoods (Brentwood Village Addition, platted 1997) are also located east and southeast of the site. Development located south of the site include an abutting undeveloped GO zoned property, then a LC zoned national/regional auto supply store (the newest development, built 2014) and undeveloped LC and SF-5 zoned properties. TF-3 Two-Family Residential zoned single-family residential development (Cedar Ridge Addition, platted 1981) is located further south of the site. Abutting and adjacent western properties are LC and GO zoned office strip buildings (built 1983, 1993, 1998 and 2002) and a TF-3 zoned single-family residential subdivision (Caliendo 11th Addition, platted 1990).

CASE HISTORY: The site, the north 30 feet of Lot 3, Caliendo 11th Addition was recorded with the Register of Deeds on May 16, 1990.

ADJACENT ZONING AND LAND USE:

NORTH: LC	Undeveloped land, fast food restaurant, drugstore, grocery store
EAST: LC	Convenience store, grocery store, fast food restaurants, auto supply, church, undeveloped land, single-family
SOUTH: GO, LC, SF-5, TF-3	Undeveloped land, auto supply store, single-family residences
WEST: LC, GO, TF-3	Office strips, single-family residential

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access to the arterial street, Webb Road, which has 50 or 60 feet of right-of-way. The more recent zoned/developed sites with Webb Road frontage, including the north abutting LC zoning property (ZON2015-00017) that will be part of the subject site has 60 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 "2030 Wichita Functional Land Use Guide Map" classifies the site as local commercial. The requested LC zoning is a match with the Comprehensive Plan and the Land Use local commercial classification.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for CBD zoning be **APPROVED**, with the dedication of 10 feet of Webb Road right-of-way.

This recommendation is based on the following findings:

(1)The zoning, uses and character of the neighborhood: Most, if not all of the area's LC zoned commercial development is contained in single-story buildings and all of it is local commercial in character. The subject site is part of the LC zoned commercial development located around the four corners of the arterial street intersection of Webb Road and Harry Street. LC zoned property located north of the site includes a Walgreens drug store, a McDonalds fast food restaurant and the already noted abutting undeveloped property. LC zoned development located further north and northeast of the site, across Harry Street, includes (but is not limited to) a Dillons grocery store with a gas island (built 1995 and 2000), a bank with drive thru service (built 1978) and small to mid-size commercial strip buildings (built 1981 and 1989). LC development located east of the site, across Webb Road, include a QuikTrip convenience store (built 2013), a Walmart Neighborhood Market store (built 2011), a Subway fast food restaurant (built 2006), a Taco Shop fast food restaurant (built 1996) and a national/regional auto supply store (built 1996). SF-5 Single-Family Residential zoned undeveloped, unplatted land, a church (built 1976, 1987 and 2011) and single-family residential neighborhoods (Brentwood Village Addition, platted 1997) are also located east and southeast of the site. Development located south of the site include an abutting undeveloped GO zoned property, then a LC zoned

national/regional auto supply store (the newest development, built 2014) and undeveloped LC and SF-5 zoned properties. TF-3 Two-Family Residential zoned single-family residential development (Cedar Ridge Addition, platted 1981) is located further south of the site. Abutting and adjacent western properties are LC and GO zoned office strip buildings (built 1983, 1993, 1998 and 2002) and a TF-3 zoned single-family residential subdivision (Caliendo 11th Addition, platted 1990).

(2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned GO, which permits residential, civic and public, office, and some commercial uses. However, the GO zoning district does not permit retail sales, which is the predominant type of development on those properties with frontage on the arterial streets Harry Street and Webb Road. The requested LC zoning matches up with the existing LC zoned retail businesses in the area.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: If approved the LC zoning and it's permitted by right development would have minimal impact on nearby properties, including the abutting west LC and GO zoning office strip buildings.

(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 "2030 Wichita Functional Land Use Guide Map" classifies the site as local commercial. The requested LC zoning is a match with the Comprehensive Plan and the Land Use local commercial classification.

(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.

GOOLSBY moved, **RICHARDSON** the motion, and it carried (12-0).

NON-PUBLIC HEARING ITEMS

8. Other Matters/Adjournment

CHAIR NEUGENT said it has been brought to her attention that the Committee appointments were not in complete conformance with the Bylaws. She said one of the County appointees is going to have to switch over to the Subdivision Committee. She said they would like to have Commissioner Foster continue as Subdivision Chair; however, under the Bylaws he can only chair one year and then take a year off. She said legal counsel has some suggestions as to how to keep Commissioner Foster as Chair.

VANZANDT said the Commission could make a motion to suspend the rules temporarily for a specified period of time. He said the Commission could then amend the Bylaws during that period of time to allow members to hold office for longer than one term.

MOTION: To suspend the applicable portion of the Bylaws pertaining to the Chair of the Subdivision Committee for one year.

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

CHAIR NEUGENT commented that Mr. Parnacott wanted to know, since there are so many new Commissioners, if the Commission is interested in putting together a Workshop. She said she thinks it is a great idea and added that she has not attended a Workshop since she has been on the Commission.

VANZANDT asked Commissioners to call or e-mail staff with topics of interest. He said they will cover some basic items such as the Kansas Open Meetings Act, Bylaws, etc., but if Commissioners have specific items they want discussed, then let staff know.

CHAIR NEUGENT suggested Commissioners e-mail Dale Miller so he can coordinate.

COMMISSIONER MITCHELL announced that he was officially resigning from the Planning Commission. He said he has been involved with planning since 1959 as a staff member and as a member of the Planning Commission and that he feels it was time well spent. He says he sees that as one of his major accomplishments in making this a better city.

CHAIR NEUGENT expressed the Commission’s sincere appreciation for Commissioner Mitchell’s many years of service to the community and commented that his “chair” was going to be hard to fill.

MOTION: To adjourn.

MITCHELL moved, **DAILEY** seconded the motion, and it carried (12-0).

The Metropolitan Area Planning Commission adjourned at 3:30 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.

Dave Barber, Interim Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)