

Table of Contents

Agenda	2
November 19, 2015	
DRAFT 11-19-15 MAPC MINUTES.	5
SUB2015-00025	
SUB 2015-25 - RWANA - MAPC STAFF REPORT.	67
SUB2015-00042	
SUB 2015-42 - SUNSTONE AT 135TH - MAPC STAFF REPORT	71
SUB2015-00043	
SUB 2015-43 - KALB - MAPC STAFF REPORT	74
SUB2015-00045	
SUB 2015-45 - HIEGER EAST 2nd - MAPC STAFF REPORT	78
SUB2015-00046	
SUB 2015-46 - HARRY'S LANDING - MAPC STAFF REPORT	81
VAC2014-00038 (Deferred from 11-19-15)	
VAC2015-38 STAFF REPORT II	85
DAB Report VAC2015-038 to MAPC	90
vac2015-38	91
VAC2015-00054	
VAC2015-54 MAPC STAFF REPORT	99
VAC2015-00055	
VAC2015-55 MAPC STAFF REPORT	103
VAC2015-00056	
VAC2015-56 MAPC STAFF REPORT	107
VAC2015-00057	
VAC2015-57 MAPC STAFF REPORT	110
VAC2015-00058	
VAC2015-58 MAPC STAFF REPORT	113
VAC2015-00059	
VAC2015-59 MAPC STAFF REPORT	116
CUP2015-00041 (Deferred from 11-19-15)	
CUP2015-00041 STAFF REPORT AND SITE PLAN.	120
CON2015-00036	
CON2015-00036 STAFF REPORT AND SITE PLAN.	128
DER2015-00009	
DER2015-00009 STAFF REPORT AND ATTACHMENTS	136
DER2015-00011	
DER2015-00011 STAFF REPORT AND ATTACHMENTS	140

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, December 17, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, December 17, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

Meeting Date: November 19, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

SUBDIVISION CASE DETAILS

- 2-1. **SUB2015-00025: One-Step Final Plat – RWANA ESTATES ADDITION**, located south of 45th Street North on the west side of Webb Road.

Committee Action: APPROVED 5-0
Surveyor: K.E. Miller Engineering, P.A.
Acreage: 8.71
Total Lots: 29

- 2-2. **SUB2015-00042: One-Step Final Plat – SUNSTONE AT 135TH ADDITION**, located on the East side of 135th Street West, south of Kellogg.

Committee Action: APPROVED 4-0-1 Warren - Abstained.
Surveyor: Baughman Company, P.A.
Acreage: 15.02
Total Lots: 1

- 2-3. **SUB2015-00043: One-Step Final Plat – KALB ADDITION**, located north of 13th Street North on the east side of 167th Street West. (COUNTY 3-MILE RING)

Committee Action: APPROVED 5-0
Surveyor: Kaw Valley Engineering, Inc.
Acreage: 80
Total Lots: 1

- 2-4. **SUB2015-00045: One-Step Final Plat – HIEGER EAST 2ND ADDITION**, located east of 247th Street West, on the North side of 61st Street North. (COUNTY)

Committee Action: APPROVED 4-1 Foster - No.
Surveyor: Ruggles & Bohm, P.A.
Acreage: 25.53
Total Lots: 9

- 2-5. **SUB2015-00046: One-Step Final Plat – HARRY’S LANDING ADDITION**, located east of Rock on the north side of Harry.

Committee Action: APPROVED 5-0
Surveyor: K.E. Miller Engineering, P.A.
Acreage: 4.73
Total Lots: 24

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

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

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

- 3-1. **VAC2014-00038 (Deferred from 11-19-15): City request to vacate a portion of Platted Lakeway Street right-of-way**, generally located south of 37th Street North and west of Hoover Road.

Committee Action: DENIED 6-0

- 3-2. **VAC2015-00054: City request to vacate platted access control on property**, generally located north of Central Avenue, on the east side of Webb Road, between Chamberlin and Von Thaden Streets (660 N Webb Rd).

Committee Action: APPROVED 5-0

- 3-3. **VAC2015-00055: City request to vacate a portion of platted access control, on property**, generally located on the southeast side of Greenwich Road and 27th Street North (2746 N. Greenwich Ct.).

Committee Action: APPROVED 5-0

- 3-4. **VAC2015-00056: City request to vacate a platted fire lane easement on property**, generally located on the northwest side of Kellogg Street and Webb Road (453 S. Webb).

Committee Action: APPROVED 5-0

- 3-5. **VAC2015-00057: City request to vacate a platted utility easement on property**, generally located north of Central Avenue on the east of Hydraulic Avenue (602 N. Hydraulic).

Committee Action: APPROVED 5-0

- 3-6. **VAC2015-00058: City request to vacate a platted wall easement on property**, generally located on-half mile north of 21st Street North on the east of side of Ridge Road, north of Clear Meadow Circle, on the northwest side of Clear Meadow Court (7118 W Clear Meadow Court).

Committee Action: APPROVED 5-0

- 3-7. VAC2015-00059: City request to vacate a platted utility easement on property,**
generally located west of Maize Road, on the north side of 29th Street North and the west
side of Parkdale Circle.

Committee Action: APPROVED 5-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

- 4.** Case No.: CUP2015-00041 (Deferred from 11-19-15)
Request: City Community Unit Plan CUP DP-134 amendment to increase
residential density.
General Location: At the northwest corner of the intersection of West Central Avenue and
North Maize Road.
Presenting Planner: Jess McNeely
- 5.** Case No.: CON2015-00036
Request: County Conditional Use request for Agricultural Sales and Services in RR
Rural Residential zoning.
General Location: East of North 167th Street West and north of West 13th Street North.
Presenting Planner: Bill Longnecker
- 6.** Case No.: DER2015-00009
Request: Proposed amendments to Section IV-E.7. of the Wichita-Sedgwick County
Unified Zoning Code regarding minimum lot size and separation
requirements for rural home occupations.
General Location: City/County-Wide
Presenting Planner: Scott Knebel
- 7.** Case No.: DER2015-00011
Request: THE CITY OF DERBY SEEKS UNILATERAL ANNEXATION OF
TRACTS LOCATED IN THE HUCKLEBERRY ADDITION
ADJACENT TO THE CITY OF DERBY – Resolution No. 30-2015.
General Location: Adjacent to the City of Derby
Presenting Planner: Scott Knebel

NON-PUBLIC HEARING ITEMS

- 8. Other Matters/Adjournment**

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

November 19, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 19, 2015 at 1:33 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Carol Neugent, Chair; David Dennis, Vice Chair; John Dailey; Bill Ellison; David Foster; Matt Goolsby; Joe Johnson; John McKay Jr.; Debra Miller Stevens; Bill Ramsey; Lowell Richardson; John Todd and Chuck Warren. Bob Dool was absent. Staff members present were: Dale Miller, Director; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Robert Parnacott, Assistant County Counselor and Maryann Crockett.

1. No prior meeting minutes to approve.

2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

2-1. SUB2015-00030: Final Plat – COMMERCE DISTRICT PARKING ADDITION,
located East of Broadway, South side of Waterman.

NOTE: This unplatted site has been approved for a zone change (ZON2015-00018) from Limited Industrial (LI) to Central Business District (CBD). Public parking is proposed for the east portion of the reserves labelled 1A through 13A and Reserve A. An access easement runs north-south adjoining the public parking and continues south through the lettered reserves. Lots 1 through 13 are divided for the purposes of transferring ownership to abutting properties to the west.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that water is available and sewer is available with an extension of lateral if needed.

B. City Stormwater Management has approved the drainage plan.

C. Traffic Engineering has approved the access controls. The plat proposes one opening along Waterman.

D. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.

E. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.

- F. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- H. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- I. 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.
- J. 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.
- 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 and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- R. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

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

- 2-2. **SUB2015-00032: Final Plat – COPPER GATE 3RD ADDITION**, located on the northwest corner of 13th Street North and 135th Street West.

NOTE: This is a replat of the Copper Gate Addition. The property is subject to the Community Unit Plan (DP-231).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) and the extension of sewer (laterals) to serve all lots being platted. In-lieu-of-assessment fees are due on sewer (mains).
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes one street opening along 13th Street North and two street openings along 135th Street West. The plat proposes a contingent rights-in/rights-out opening along 13th Street North. The plattor's text states that the contingent opening is proposed for full movement openings until paving improvements occur along 13th Street North, upon which time it becomes a rights-in/rights-out opening.
- E. The Applicant shall guarantee the paving of the proposed streets. For the narrow public 32-foot streets, this guarantee shall be for the 29-foot paving standard.

- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The Applicant needs to request a CUP adjustment to match the CUP parcel boundaries to the area being platted, to revise CUP access controls and to add residential uses as permitted uses.
- I. City Fire Department advises the turnaround must meet the minimum 38-foot paved radius requirement for cul-de-sacs over 150 feet or the current standard at the time of construction.
- J. A restrictive covenant is needed to restrict the property to residential uses.
- K. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- L. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- M. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. 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.
- P. 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.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

- R. 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.
- S. 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.
- T. 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.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Westar Energy advises there is transmission near the area and comments from Transmission Engineering Department have been sent to the agent for the applicant. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

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

2-3. SUB2015-00035: One-Step Final Plat – TRINITY ACADEMY 2ND ADDITION, located south of 21st Street North, West of 127th Street East.

NOTE: This is a replat of the Trinity Academy Addition in addition to unplatted property.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water is available to serve the site. A guarantee is need for the extension of sewer (laterals) to serve all lots.

- B. The platlor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- 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 applicant's drainage plan.
- E. Traffic Engineering has approved the access controls. The plat proposes five openings along Founders Circle.
- F. The Applicant needs to verify the location of the pipeline easement indicated in the platting binder. The easement shall be shown if encumbering this plat, or verification provided that it is off-site or has been released.
- G. County Surveying advises in the parcel 3 legal description the bearing of S04°59'44"W, fourth line from the bottom, needs corrected to S04°59'44"E.
- H. County Surveying advises in the parcel 3 legal description the bearing of N89°56'33"W, bottom line, needs corrected to N89°59'33"W.
- I. County Surveying advises the sanitary sewer easement recorded on DOC. #29392553 needs located along the north line of the proposed plat.
- J. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- K. County Surveying shall verify the location of the KGE easement is sufficient. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

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

2-4. **SUB2015-00039: One-Step Final Plat – ADVANCED LEARNING LIBRARY ADDITION**, located on the southwest corner of 2nd Street and MacLean Boulevard.

NOTE: This is a replat of the West Wichita Addition and includes the vacation of a portion of Sycamore Street.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that Lot 1, Block 1 currently is being served by water and sewer. Lot 1, Block 2 has sewer available. Lot 1, Block 2 needs to extend water (distribution) if needed. The applicant shall meet with City Staff regarding revising the alignment of the northeast corner of Lot 1 to denote additional right-of-way for MacLean and extending the 10-foot utility easement along MacLean. In-lieu-of-assessment fees (water main) are needed for Lot 1, Block 2.
- B. Traffic Engineering has approved the access controls. The plat denotes one opening along 2nd Street North and one opening along MacLean Boulevard. Both openings align with a contingent right-of-way dedication within the property.

- C. As the plat consists of commercial lots abutting non-arterial streets, the Subdivision regulations require sidewalks along the street frontage of 2nd Street and Sycamore. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. 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.
- F. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- G. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- 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. Westar Energy has requested additional easements which have been denoted. Shane Price, Construction Services Supervisor, is the contact for this item and will be working with the applicant. He can be reached at 316-261-6315. Any and all relocation and removal of any existing equipment made necessary by this plat 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).

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

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

- 2-5. **SUB2015-00040: One-Step Final Plat – TERRACE SANDS ADDITION**, located on the north side of 29th Street North, west of Hoover Road.

NOTE: This unplatted site has been approved for a zone change (ZON2015-00012) from Single-Family Residential (SF-5) to Limited Commercial (LC) with a conditional use (CON2015-10) for self-service warehouse.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently served by water. A No Protest Agreement is requested for future extension of sanitary sewer.
- B. Depth to Groundwater appears to be less than 10 feet. The applicant shall contact City of Wichita Environmental Health to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- C. The plat's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- 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. Traffic Engineering has approved the access controls. The plat proposes two access openings along 29th Street North in conformance to the site plan.
- G. 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.

H. A landscape buffer shall be denoted on the plat.

I. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.

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

K. County Surveying advises the dimension on the westerly line of the drainage easement of 110.00 feet needs corrected to 90.00 feet.

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

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

N. 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.)

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

P. 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.

Q. 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.

- R. 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.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- U. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

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

- 2-6. **SUB2015-00041: One-Step Final Plat – QUIKTRIP 21ST ADDITION**, located on the southeast corner of Harry Street and Oliver.

NOTE: This is a replat of the McGovney Addition and the McGovney Addition Replat. The site has been approved for a zone change (ZON2015-00042) from Two-Family Residential (TF-3), Multi-Family Residential (B) and Multi-Family Residential (MF-29) to Limited Commercial (LC) in addition to a Protective Overlay addressing landscaping and screening.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises water and sewer is available. Public Works and Utilities recommends extending an 8-inch water line in Glendale to serve water meters. If utilities are to be relocated, temporary easements will be necessary. "No Trespassing" and "Confined Space" signs will be required at each end of the stormwater reinforced concrete box culvert (RCBC). Grated openings may be needed in the top of the RCBC periodically to meet OSHA standards for confined space.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

- C. City Stormwater Management has requested revisions to the applicant's drainage plan. A Conditional Letter of Map Revision application is under review by FEMA. FEMA approval will be necessary before site construction can commence. A Floodplain fill permit will be required by Division of Water Resources. The City requires the filing of a Floodplain Development Permit.
- D. The Subdivision Committee has required street improvements along Glendale to include three lanes and a parking lane extending to the south entrance. A "Left-turn only" sign is needed on the south entrance on Glendale.
- E. Traffic Engineering has approved the access controls. The plat proposes one access opening along Oliver and complete access control along Harry.
- F. Traffic Engineering has approved a right-of-way of 60 feet along both Harry and Oliver.
- G. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- H. As the plat consists of a commercial lot abutting non-arterial street, the Subdivision Regulations require a sidewalk along Glendale. A sidewalk easement is needed along the west property line for the existing sidewalk, and along the north property line in the event the existing sidewalk is not included in street right-of-way.
- I. 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.
- J. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Westar Energy advised that LaDonna Vanderford (316/261-6490) is working with the representative from QuikTrip regarding proposed easements for existing equipment. These easements will be obtained by separate easement. However the proposed size and placement is on hold and Westar will need to verify the exact location of the existing equipment and determine the size of the easements needed and placement to cover that equipment.
- S. Kansas Gas Service (KGS) has facilities within the proposed construction limits of the property. Kendall Regier (316/832-3178) is working with the Quiktrip representative on relocations for the project. The scope of KGS's relocations have not been finalized and are dependent on the final civil drawings.
- T. 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).

MILLER STEVENS referenced an e-mail communication and asked if the agent agreed to that.

STRAHL indicated the clarification was in regards to the motion for approval of three driving lanes along Glendale and pavement signage for left turns only. He said the applicant agrees with those provisions.

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

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

DAILEY asked for clarification on sign locations.

STRAHL said he understood the signs would be located in the street.

BRIAN LINDEBAK, MKEC ENGINEERING, INC. , 411 NORTH WEBB ROAD, AGENT FOR OWNERS/APPLICANT said they are in agreement with staff comments and indicated they will be putting any stripes required on the internal parking lot as well as along Glendale.

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

WARREN moved, **JOHNSON** seconded the motion, and it carried (12-1).
MILLER STEVENS – No.

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2015-00038: City request to vacate a portion of platted Lakeway Street right-of-way, generally located south of 37th Street North and west of Hoover Road.

OWNER/AGENT: Sienna Lakes #2 LLC, C/O Jay Russell, Ruggles & Bohm, P.A., c/o Chris Bohm (agent)

LEGAL DESCRIPTION: Generally described as vacating a south portion of the platted Lakeway Street public right-of-way, located between Lot 75, Block 1, & Lot 44, Block 2, all in the Siena Lakes Addition, and ending at the abutting portion of Lakeway Street located in the Ridge Port North 4th Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 37th Street North and west of Hoover Road (WCC #V)

REASON FOR REQUEST: Reduce traffic through the south abutting properties

CURRENT ZONING: The site is public street right-of-way. All abutting and adjacent properties are zoned SF-5 Single-Family Residential or TF-3 Two-Family Residential.

The owner/applicant of the Siena Lakes Addition propose to vacate the south approximately 34-25 feet of the 64-foot wide unimproved Lakeway Street public right-of-way, located between Lot 75, Block 1, & Lot 44, Block 2, all in the north, Siena Lakes Addition and ending at the abutting portion of Lakeway Street public right-of-way located in the Ridge Port North 4th Addition. The vacation request is supported by the property owners located in the south abutting Ridge Port North 4th Addition. The portion of Lakeway Street located in the Ridge Port North 4th Addition is a paved residential street that currently dead-ends, although there is a platted temporary cul-de-sac at its current termination that would cease to be upon the paving/improvements to Lakeway Street into the Siena Lakes Addition. The Siena Lakes Addition site is the only low to moderate density residential subdivision located between 37th Street North – 29th Street North – Hoover Road – Ridge Road that has TF-3 Two-Family Residential zoning. ZON2015-00026, rezoned approximately 20 lots out of approximately 119 lots

located in the Siena Lakes Addition. The TF-3 zoned properties are separated from the south abutting Ridge Port North 4th Addition by SF-5 zoned lots located along the southmost Lakeway Court. All of the properties abutting the proposed vacated right-of-way are under are by the applicant. The proposed vacation does not deny access to public streets for any abutting or adjacent properties.

However, if the vacation is approved the Siena Lakes Addition would be the only low to moderate density residential subdivision located between 37th Street North – 29th Street North – Hoover Road – Ridge Road that would have one way in and out of it, that being its platted connection to the arterial 37th Street North. In reference to the supporters of the vacation request, per the plattor's text Reserve M, Siena Lakes Addition is not a contingent dedication of street right-of-way. The described area is connected as follows:

- The west abutting SF-5 zoned Ridge Port North 5th Addition (recorded January 8, 2003) has two ways in and out of it: (a) North from the residential Ridge Port Street to the arterial 37th Street North, and; (b) The residential intersection of Brookview and Ridge Port Streets, which connects Ridge Port North 5th Addition to the south abutting Ridge Port North 4th Addition. If the vacation is approved the Ridge Port North 5th Addition would continue to provide the only access to 37th Street North for the abutting and adjacent south single-family residential development located on the north side of 29th Street North. Staff has received a phone call protesting the vacation.
- Ridge Port North 4th Addition (recorded August 8, 2001) has five ways in and out of it, but would have four if the described portion of Lakeview Street is vacated: (a) The above noted residential intersection of Brookview and Ridge Port Streets, which continues north through the Ridge Port North 5th Addition to the arterial 37th Street North; (b) The Ridge Port Street and 34th Street North residential intersection, which continues west along the north side of the Ridge Port North 3rd Addition (recorded February 13, 2001) to the 34th Street North intersection with the arterial Ridge Road. This is the only east-west connection to an arterial in the described area; (c) The intersections of the residential Hazelwood and Northwind Streets, in the Ridge Port 3rd Addition and (d) The Northwind Street and North Shore Boulevard intersection, where North Shore Boulevard continues south through the Ridge Port Addition (recorded June 8, 1998) to the arterial 29th Street North.

Besides disconnecting the Siena Lakes Addition from their neighbors there may be disruptions to the area's planned/platted circulation in regards to school buses, trash service, and similar services, making them less effective. The application to vacate is a result of the protests to the TF-3 zoning case, ZON2015-00026, from the abutting south subdivision.

The applicant has provided a proposed dedication of a 64-foot wide easement for landscaping, sidewalks, public utilities, drainage, drainage structures and emergency access with gates or bollards. If approved the easement needs to be a reserve with a restrictive covenant binding and tying the ownership and maintenance of the reserve to the Home Owners Associations located in the Ridge Port North 4th Addition. All gates and bollards located in the reserve must be constructed to Fire, Police, Emergency Service and similar agencies standards. Fire, Police, Emergency Service, utilities and similar agencies will not be liable for damage gates or bollards as a result to their right of access. There are utilities are located in the described right-of-way. The Siena Lakes Addition was recorded with the Register of Deeds August 19, 2015.

NOTE: VAC2015-38 was advertised for the October 1, 2015 MAPC meeting and scheduled for the September 24, 2015, SD Committee meeting. The applicant requested a two-week deferral, to the October 8, 2015, SD meeting and October 15, MAPC meeting. The request was deferred a second time at the October 8, 2015, SD meeting to today's October 29, 2015 meeting. The latest deferral moved the case to the November 12, 2015, SD meeting and the November 19, 2015, MAPC meeting.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff recommends denial of the request.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 2015, which was at least 20 days prior to this public hearing.
 2. That private rights will be injured or endangered by vacating the described platted street right-of-way and that the public will suffer loss or inconvenience thereby.
 3. The petition ought to be denied.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends denial:

However, if the MAPC approves the request, Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted Lakeway Street public right-of-way.

- (1) Dedicate a reserve for landscaping, sidewalks, all utilities, including drainage, drainage structures and emergency access with gates or bollards. All gates and bollards must be constructed to Fire, Police, Emergency Service, utilities and similar agencies standards. Fire, Police, Emergency Service, utilities and similar agencies will not be liable for damage gates or bollards as a result to their right of access. The Home Owners Associations located in the Siena Lakes Addition will own and be responsible for maintaining the reserve. The approved original dedication must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds
- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants, at the applicants' expense and shall be to City Standards. Provide any needed plans for review and approval to all utilities as needed. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to the City Council and subsequent

recording with the Vacation Order at the Register of Deeds. Approval of plans by franchised utilities must be provided to staff prior to the case going to City Council for final action.

- (3) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way to the Home Owners Associations located in the Siena Lakes Addition. The restrictive covenant will also establish that the Home Owners Associations located in the Siena Lakes Addition will own and be responsible for maintaining the reserve. These must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

RAMSEY commented that the Staff Report for this item was not in the agenda packet or on line.

GOOLSBY asked if legally the Commission needs to defer the item, since the information was not in the agenda packet or available to the public on line.

MOTION: To defer the item four weeks (December 17, 2016).

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

FOSTER asked for a legal opinion.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY indicated that the safest thing was to defer the item since the information was not available to the Commission or the public.

WARREN asked about the Commission taking public input on the matter at this meeting since some of the public present to speak on the issue may not be able to make the next meeting.

GREG FERRIS, FERRIS CONSULTING asked the Commission to defer the item for four weeks. He indicated that the applicant, Jay Russell, understood that the item was going to be deferred anyway.

- 3-2. **VAC2015-00048: City request to vacate public street right-of-way dedicated by separate instrument**, generally located midway between Broadway Avenue and I-135, on the north side of 21st Street North and west of Mosley Avenue.

- APPLICANT:** Triple J of Wichita, LLC, c/o Morgan Coon (applicant)
- LEGAL DESCRIPTION:** Generally described as vacating that part of the irregular shaped, dead-end public street right-of-way dedicated by separate instrument and recorded September 1, 1982, FLM-542 PG-1540, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located midway between Broadway Avenue and I-135, on the north side of 21st Street North and west of Mosley Avenue (WCC VI)
- REASON FOR REQUEST:** The street has not been constructed
- CURRENT ZONING:** All abutting and adjacent properties are zoned GI General Industrial

The applicant is requesting the vacation of the irregular shaped, dead-end public street right-of-way dedicated by separate instrument and recorded September 1, 1982, FLM-542 PG-1540. A minor street permit allows the applicant to use the right-of-way as a paved controlled access drive onto the applicant's property; vacation of the subject right-of-way will remove the minor street permit and its annual fee. The right-of-way serves only the applicant's unplatted property. Vacation of the right-of-way will not deny any properties access to public street right-of-way. The subject right-of-way runs parallel to the east side a 100-foot wide railroad right-of-way/easement. There appears to be no utilities located in the subject right-of-way.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 29, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described public street right-of-way dedicated by separate instrument and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the described public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2015-00048 proceeding to City Council for final action
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street eight-of-way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2015-00048 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) As needed dedicate easements by separate instruments to cover all utilities. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2015-00048 proceeding to City Council for final action
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street eight-of-way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2015-00048 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

- (3) As needed dedicate easements by separate instruments to cover all utilities. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

- 3-3. **VAC2015-00049: City request to vacate a platted reserve on property**, generally located east of Amidon Avenue, north of 29th Street North, on the west side of Cromwell Drive.

OWNER/APPLICANT: The public by virtue of plat dedication (owner) Kathleen K. Caldwell (applicant)

LEGAL DESCRIPTION: Generally described as vacating the plattor's text of the platted Reserve A, Emel Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Amidon Avenue, north of 29th Street North, on the west side of Cromwell Drive (WCC V1)

REASON FOR REQUEST: Assist in providing clear title of ownership to the applicant

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

The platted Reserve A, Emel Addition, abuts the west, back yard of the applicant's property, Lot 1, Emel Addition and east side of the Little Arkansas River. The applicant is requesting the vacation of the plattor's text of the platted subject reserve. Per the plattor's text, Reserves A is hereby dedicated to the public for drainage, river bank maintenance, flood control and river beautification. The ownership list

provided by the title company recognizes Reserve A as being owned by the public by virtue of the plat dedication. The Subdivision Regulations' definition of a reserve includes: "Typically future ownership and maintenance for a reserve is set forth by a restrictive covenant that provides that a homeowners or a lot association will hold title to the reserve and therefore be held responsible for the reserve's maintenance. The restrictive covenant may provide ownership and maintenance to be tied to ownership of an adjacent lot. Ownership and maintenance is not assign to an individual, partnership, or corporation except in cases of a reserve except in the case of a reserve platted for the future sales to a public body for a public facility."

No restrictive covenant(s) has been found that establishes that a homeowners association, a lot association, an adjacent lot, an individual, a partnership, or a corporation that holds title and is responsible for maintenance of the subject reserve. There is no record of a sale of the reserve to the City of Wichita or any public body. The request will eliminate that Reserve A is "dedicated to the public." A restrictive covenant binding and tying Reserve A to Lot 1 (the abutting lot), all in the Emel Addition, will aid the applicant in obtaining clear title to the subject reserve. The site is located within a Floodway. There are no utilities located in the subject reserve. The Emel Addition was recorded July 25, 1972.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 29, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the plattor's text to amend the dedication and the uses permitted in the platted reserve and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a restrictive covenant, with original signatures, binding and tying Reserve A, Emel Addition to Lot 1, Emel Addition. This must be provided to Planning prior to VAC2015-00049 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and separately at the Sedgwick County Appraisers Office.
- (2) Vacate the plattor's text to remove that Reserve A is dedicated to the public.

- (3) The uses allowed in Reserves A, Emel Addition will be single-family residential uses, drainage, river bank maintenance, flood control and river beautification.
- (4) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a restrictive covenant, with original signatures, binding and tying Reserve A, Emel Addition to Lot 1, Emel Addition. This must be provided to Planning prior to VAC2015-00049 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and separately at the Sedgwick County Appraisers Office.
- (2) Vacate the plat's text to remove that Reserve A is dedicated to the public.
- (3) The uses allowed in Reserves A, Emel Addition will be single-family residential uses, drainage, river bank maintenance, flood control and river beautification.
- (4) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.

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

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

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

- 3-4. **VAC2015-00050: City request to vacate a platted drainage and utility easement on property**, located south of Kellogg Street, on the northwest corner of Oliver Avenue and Orme Street.

OWNER/AGENT: S.J. Ram, LC, c/o Don Walenta (owner) Ruggles and Bohm, c/o Will Clevenger (agent)

LEGAL DESCRIPTION: Generally described as vacating the south 152 feet of the platted 20-foot wide drainage and utility easement centered on the common lot lines of Lots 2 and 4 and all in Block 1, all in the Ann Walenta Commercial Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of Kellogg Street, on the northwest corner of Oliver Avenue and Orme Street (WCC III)

REASON FOR REQUEST: Development of the site

CURRENT ZONING: The site and the abutting and the adjacent east (across Oliver Avenue) properties are zoned LC Limited Commercial and a small NR Neighborhood Retail zoned property. Abutting and adjacent west and south properties are zoned TF-3 Two-Family Residential. Kellogg Street abuts the north side of the site. The site is part of CUP DP-261.

The applicant is requested the vacation of the south 152 feet of the platted 20-foot wide drainage and utility easement centered on the common lot lines of Lots 2 and 4, all in Block 1, all in the Ann Walenta Commercial Addition. The applicant proposes dedicating another easement to replace the vacated portion of the subject easement. There appears to be no utilities located in the subject easement. The Ann Walenta Commercial Addition was recorded July 15, 2009.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 29, 2015, which was at least 20 days prior to this public hearing
 2. That no private rights will be injured or endangered by vacating the described portion of the platted drainage and utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a legal description of the vacated portion of the platted drainage and utility easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2015-00050 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a legal description of the vacated portion of the platted drainage and utility easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2015-00050 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that these utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

- 3-5. **VAC2015-00051: County request to vacate the plattor's text to amend the uses permitted in a floodway reserve agreement on property**, generally located midway between 47th and 55th Streets South and west of Clifton Avenue.

OWNER/AGENT: Trent Hardison (owner) MKEC, c/o Gene Rath (agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of a floodway reserve agreement and/or the text of the floodway reserve agreement (FILM 837/PAGE 201) located on that part of Government Lot 3 in Section 22, Township 28 South, Range 1, East of the 6th PM, lying east of the Arkansas River, except that part platted as Pineaire Mobile Home Park, Sedgwick County, Kansas

LOCATION: Generally located west of K-15, midway between 47th and 55th Streets South and west of Clifton Avenue (BoCC 5)

REASON FOR REQUEST: To allow fill dirt to be placed in it

CURRENT ZONING: The site and the abutting east and north properties are zoned SF-20 Single-Family Residential. Abutting south properties are zoned SF-5 Single-Family Residential. The Arkansas River abuts the west side of the site.

The applicant is requested the vacation of the floodway reserve agreement to allow fill dirt to be placed in it. To clear the site for construction of a home or other buildings the site would need to be platted. The site is located in a floodway and a flood zone; the revised/updated FEMA Flood Maps will take the place of the floodway reserve agreement. There is sewer line and manholes located along the north and a north portion of the west sides of the property; easements must be provided to cover these utilities. The floodway reserve agreement was approved by the Sedgwick County Engineer and the BoCC October 8, 1986, FILM 837/PAGE 201.

Although the case is located in Sedgwick County it is also located within the City of Wichita's 3-mile ring subdivision jurisdiction. This means the Wichita City Council must consider the request and make a recommendation prior to the request going to the Sedgwick County Commission for final action.

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

- 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 October 29, 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 floodway reserve agreement 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) Sedgwick County Public Works agrees to allow fill to be placed in accordance with a State DWR fill permit. A State Stormwater NOI, a State DWR Fill permit, a County Stormwater permit and a County Floodplain Development permit will be required. A survey will be required to ensure no encroachment into the Regulatory Floodway.

- (2) Provide a legal description of the vacated floodway reserve agreement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2015-00051 proceeding to City Council and the Board of County Commissioners for final action and subsequent recording at the Sedgwick County Register of Deeds.
- (3) Provide easements for all utilities, including the sewer line and manholes located in the floodway reserve agreement. As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided, with original signatures, to Planning prior to the case going to the City Council and the Board of County Commissioners for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council and the Board of County Commissioners for final action.
- (5) All improvements shall be according to City Standards and County Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Sedgwick County Public Works agrees to allow fill to be placed in accordance with a State DWR fill permit. A State Stormwater NOI, a State DWR Fill permit, a County Stormwater permit and a County Floodplain Development permit will be required. A survey will be required to ensure no encroachment into the Regulatory Floodway.
- (2) Provide a legal description of the vacated floodway reserve agreement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2015-00051 proceeding to City Council and the Board of County Commissioners for final action and subsequent recording at the Sedgwick County Register of Deeds.
- (3) Provide easements for all utilities, including the sewer line and manholes located in the floodway reserve agreement. As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided, with original signatures, to Planning prior to the case going to the City Council and the Board of County Commissioners for final action.

- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council and the Board of County Commissioners for final action.
- (5) All improvements shall be according to City Standards and County Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

FOSTER noted a typographical error in the Staff Report.

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

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

3-6. VAC2015-00052: City request to vacate a platted utility easement on property,
generally located southeast of K-96 and Ridge Road.

OWNER/AGENT: Tier 1 LLC, c/o Jesse Schellenberg (owner) MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION: Generally described as vacating the platted 20-foot wide utility easement that runs parallel to the north property line of Lot 1 and the north 188.71 feet of the east property line of said lot, all in Block 4, Estancia Commercial Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located southeast of K-96 and Ridge Road (WCC V)

REASON FOR REQUEST: Development of the site

CURRENT ZONING: The site is zoned GC General Commercial. Abutting south and adjacent west (across Ridge Road) properties are zoned LC Limited Commercial. Abutting east properties are being rezoned (ZON2015-00029). K-96 abuts the north side of the site. The site is part of CUP DP-337.

The applicant is requested the vacation of the platted 20-foot wide utility easement that runs parallel to the north property line of Lot 1 and the north 188.71 feet of the east property line of said lot, all in Block 4, Estancia Commercial Addition. The platted 20-foot build setback that runs parallel to the north property line of Lot 1, Block 4, Estancia Commercial Addition will remain. There are no public utilities located in the subject reserve. Westar has utilities located in the vacation area, Heide Bryan is the Westar representative and can be contacted at 261-6554. The Estancia Commercial Addition was recorded September 28, 2015.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted 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 October 29, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2015-00052 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.

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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2015-00052 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

PUBLIC HEARINGS

FOSTER recused himself from the item.

4. **Case No.: ZON2015-00046 and CON2015-00034** - Welcome Home, LLC, c/o Paul Treadwell (woner) and Poe & Associates, c/o Bill Box request a City zone change for LC Limited Commercial zoning on MH Manufactured Home zoned property and City Conditional Use request for manufactured home sales on proposed LC Limited Commercial zoned property on property described as:

Commencing at the Southeast Corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas, Thence, West along the South line of said Northeast Quarter for 50.00 feet to a point on the East line of said Lot 1, Block 1, Thence on a platted bearing of N 0°08'10" W along the East line of said Lot 1, Block 1, for 120.00 feet to the North line of a platted Drainage Easement and the Point of Beginning, Thence, S 89° 58' 42" W along the North line of said platted Drainage Easement for a distance of 124.71 feet to a point, Thence, N 00° 00' 00" E for a distance of 186.13 feet to the beginning of a tangent curve to the left having an angle of 45° 18' 45", a radius of 190.00 feet, for an arc length of 150.26 feet, Thence, N 45° 18' 45" W for a distance of 135.82 feet to the beginning of a tangent curve to the right having an angle of 45° 10' 35", a radius of 150.00 feet, for an arc length of 118.27 feet, Thence, N 00° 08' 10" W for a distance of 63.19 feet to a point, Thence, N 89° 51' 50" E for a distance of 47.94 feet to a point, Thence, S 37° 45' 05" E for a distance of 141.46 feet to a point, thence S 46° 31' 42" E a distance of 257.78 feet to a point on the East line of said Lot 1, Block 1, Thence, S 00° 08' 10" E along the East line of said Lot 1, Block 1, for a distance of 297.07 feet to the Point of Beginning. Said tract contains 1.72 acres, more or less.

BACKGROUND: The applicant is requesting a zone change from MH Manufactured Housing (MH) to LC Limited Commercial (LC) with a Conditional Use to allow outdoor vehicle and equipment sales, specifically the sale of manufactured homes. The MH zoning district does not permit the sale of outdoor vehicle and equipment sales/manufactured homes. However, outdoor vehicle and equipment sales may be permitted after consideration and approval of a Conditional Use on a site by site basis in the LC zoning district; Unified Zoning Code (UZO), Sec.III-D.6.x. The site is located midway between 47th and 55th Streets South on the west side of Meridian Avenue. The 1.98-acre site is partially developed with a 'new office' and a parking lot, as shown on the applicant's site plan. The 1.98-acre site is part of the approximately 138-acre partially developed MH zoned Southborough Estates Addition manufactured home park.

The mid-mile site is located in a portion of the south-central edge of the Wichita city limits, abutting and adjacent to properties located in Wichita, Sedgwick County and the City of Haysville. Approximately six-acre LC zoned properties are located on seven of the eight properties abutting the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. Three of the seven LC zoned sites are agricultural fields, two are developed as farmsteads (built 1936, 1948), one is a warehouse-retail business (built 1985, 1997, looks like a barn and accessory building) and the last is a single-family residence with undeveloped land around it. The LC zoned single-family residence with the undeveloped LC land around it reflects two different owners. The LC zoned properties are the result of the 1958 rezoning of county properties located within the three-mile growth area of Wichita, which included Light Commercial zoning (now Limited Commercial) being located on the abutting foru

corners of arterial intersections. USD Unified School District (USD) 261's public schools Campus High School and Ruth Clark Elementary School and their campuses are located approximately a quarter-mile southeast of the site. The schools are located on the northeast corner of 55th Street South and Meridian Avenue in Haysville.

A portion of the applicant's MH zoned manufacture home subdivision is located north of the site, across the paved, private Southborough road. The adjacent north property is developed with double wide manufactured homes, with pitched roofs, siding similar to what is found on a stick frame house and sitting on permanent foundations. The applicant's abutting south and west MH zoned property is currently used as agricultural fields. A developed SF-5 Single-Family Residential ("SF-5") zoned subdivision is located further north and west of the site. County zoned SF-20 Single-Family Residential ("SF-20") large tract single-family residences and agricultural fields are also located further north and west of the site. Properties located east of the site, across Meridian Avenue, include SF-20 zoned agricultural fields, a SF-5 zoned single-family residence (built 1950) and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex (outdoor playing fields). The park is the largest development in the area, with the applicant's MH zoned properties perhaps equaling the park in size.

The applicant's site plan shows the noted new office building and the paved parking with 13 parking spaces. The UZC requires one parking space per 500 square feet of building floor area, plus two spaces for the first 10,000 square feet of lot area used for sales or storage purposes, plus one space for each 10,000 square feet of lot area used for sales, display or storage purposes thereafter. The site plan does not give the size of the office, but if it is similar in size to the applicant's double wide manufactured homes (which it resembles) it's size can be calculated at approximately 1,220-square feet; 76 feet (x) 16 feet. The site plan shows a 29,070 display area. Based on the estimate of the office size and the stated size of the display area, the applicant's 13 parking spaces and one disabled parking spaces exceeds the required seven parking spaces. The site plan shows the display area surfaced with gravel. The UZC, Sec. IV-A.1.b requires new development off-street parking and loading facilities shall be provided for any new building constructed and for any new use established, in accordance with the standards of this section. The UZC, Sec. IV-A.2.b, requires all parking areas, loading areas and driveways on all developments other than low-density residential development be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing. Gravel is not a comparable surfacing, a variance would be required to allow gravel parking. Variances are deviations from specific regulations in this Code. The site plan shows the required solid screening, but no landscaping; landscaping shall be per the UZC. The site plan shows a drive onto Meridian Avenue. The site plan does not show proposed lighting nor signs.

CASE HISTORY: From October-December, 1983, CU-263, a conditional use for a mobile home park, was considered and denied by the Haysville Planning Commission and the MAPC. The applicant withdrew the request prior to consideration and final action by the BoCC. CU-279, a conditional use for a mobile home park subject to platting, was considered and approved by the MAPC at their May 2, 1985 meeting. The BoCC denied the request at their June 19, 1985 meeting. On May 13, 1986, a District Court overturned the BoCC's denial and granted CU-279, a conditional use for a mobile home park subject to platting. On March 7, 2000, the City Council approved zoning case Z-3339, which rezoned the property the site is located on from SF-6 Single-Family Residential to MH. The site is part of the platted Lot 1, Southborough Estates Addition, which was recorded with the Register of Deeds March 13, 1989. The site was annexed into the city sometime between 1981-1990.

ADJACENT ZONING AND LAND USE:

NORTH: MH, LC	Manufactured homes, single-family residence, undeveloped land
SOUTH: MH, SF-20, LC	Agricultural fields, a warehouse-retail business
EAST: SF-5, SF-20	Single-family residence, agricultural fields, large public park
WEST: MH, SF-20, SF-5	Agricultural fields, large tract single-family residence, single-family residential subdivision

PUBLIC SERVICES: The subject property has access to Meridian Avenue, a curbed, four-lane arterial street and Southborough Street, a paved, private, two-lane residential street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The “2030 Land Use Guide of the Comprehensive Plan” (Plan) identifies the MH zoned site as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The MH zoning district is compatible with the urban residential category, but the requested LC zoning is not.

The proposed LC zoning is compatible to the “local commercial” category of the Plan. The UZC allows consideration of outdoor vehicle and equipment sales on LC zoned lots as a Conditional Use on a site by site basis. The “Commercial Locational Guidelines of the Comprehensive Plan” (commercial locational guidelines) recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has direct access onto Meridian Avenue, a four-lane arterial. The commercial locational guidelines also recommends that outdoor vehicle and equipment sales should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. If approved the conditional use would introduce a new use to the area. The closet manufactured home sales lots may be on the LC zoned southwest corner of the Seneca Street – I-235 interchange and south of the John Mack Bridge on the east side of Broadway Avenue. Both of these sites are the only manufactured home sales businesses in the areas they are located in. The manufactured home sales lot located on Broadway Avenue has auto sales lots in close proximity. The manufactured home sales lot located off of the Seneca Street – I-235 interchange abuts a manufactured home park, with other manufactured home parks located in the area. Staff is not sure if there is an obvious cluster of manufactured home sale sites in the city.

The mid-mile location of the site initially makes consideration of the requested LC zoning problematic in that there are LC zoned agricultural fields located on three of the seven corners of the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. However, the site's proposed location and the abutting and adjacent current zoning makes the potential for it having a less adverse impact on the areas' current and future residential development, than the three LC agricultural fields located on the corners of arterial intersections. The mid-mile site has approximately 138-acres of partially developed MH zoning on three of its four sides, with Meridian Avenue separating it from the east adjacent SF-20 zoned agricultural field and the SF-5 zoned single-family residence and the South Lakes Public Parks sports complex. All three of the noted corner LC zoned sites have abutting SF-5 and/or SF-20 zoned properties on their interior sides. The proposed site's 1.98-acre size is smaller than the approximately six-acre LC zoned corner sites. The site's relatively small, irregular size does not allow for a large display area, which will more readily blend into the existing MH development and the future development of the applicant's MH zoned property.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, with the following conditions:

1. The site shall be replatted or be approved for a lot split within a year of approval by the governing body. Access will be determined at the time of platting.
2. The Conditional Use shall be limited to the sale of residential designed manufactured homes, as defined by the UZC. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
3. No repair work shall be conducted on the site. No outside storage. All equipment and materials including, but not limited to, blocks that the manufactured homes will be displayed on, display porches not being use in the display of the manufactured homes, pallets, fork lifts, etc., will be stored inside.
4. All improvements to the property must be finished before car sales is permitted, including the paving of the display area. Those improvements include a parking barrier around the display area, such as a heavy rail type, being installed along the north and east property lines of the display area where it abuts Meridian Avenue and is adjacent to the private street Southborough Street, except at driveway entrances or where fences are erected, to ensure that parked manufactured homes do not encroach onto public right-of-way, including the sidewalks. A six to eight foot wooden fence shall be erected as shown on the site plan.
5. Landscaping shall be per the Landscape Ordinance.
6. The applicant shall submit a revised site plan for review and approval by the Planning Director, within 45 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

7. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons. No electronic message boards. Signage will be a monument sign per the LC Limited Commercial zoning district.
8. No outdoor amplification system shall be permitted.
9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet, including the base, and directed onto the site and away from the residential zoning located east of the site.
10. All trash receptacles, shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

1. The zoning, uses and character of the neighborhood: The mid-mile site is located in a portion of the south-central edge of the Wichita city limits, abutting and adjacent to properties located in Wichita, Sedgwick County and the City of Haysville. Approximately six-acre LC zoned properties are located on seven of the eight properties abutting the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. Three of the seven LC zoned sites are agricultural fields, two are developed as farmsteads (built 1936, 1948), one is a warehouse-retail business (built 1985, 1997, looks like a barn and accessory building) and the last is a single-family residence with undeveloped land around it. The LC zoned single-family residence with the undeveloped LC land around it, reflects two different owners. The LC zoned properties are the result of the 1958 rezoning of county properties located within the three-mile growth area of Wichita, which included Light Commercial zoning (now Limited Commercial) being located on the abutting four corners of arterial intersections. USD Unified School District (USD) 261's public schools Campus High School and Ruth Clark Elementary School and their campuses are located approximately a quarter-mile southeast of the site. The schools are located on the northeast corner of 55th Street South and Meridian Avenue in Haysville.

A portion of the applicant's MH zoned manufacture home subdivision is located north of the site, across the paved, private Southborough road. The adjacent north property is developed with double wide manufactured homes, with pitched roofs, siding similar to what is found on a stick frame house and sitting on permanent foundations. The applicant's abutting south and west MH zoned property is currently used as agricultural fields. A developed SF-5 Single-Family Residential (SF-5) zoned subdivision is located further north and west of the site. County zoned

SF-20 Single-Family Residential (SF-20) large tract single-family residences and agricultural fields are also located further north and west of the site. Properties located east of the site, across Meridian Avenue, include SF-20 zoned agricultural fields, a SF-5 zoned single-family residence (built 1950) and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex (outdoor playing fields). The park is the largest development in the area, with the applicant's MH zoned properties perhaps equaling the park in size.

2. The suitability of the subject property for the uses to which it has been restricted: The site is part of 138-acres of partially developed MH zoned property. The property is suitable for manufactured homes development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval the conditions of the Conditional Use are intended to minimize the negative impact of manufactured home sales on the area. Approval of the LC zoning and the Conditional Use would place commercial zoning at a mid-mile location, which is not a request typically supported by staff. Approval of the Conditional Use would introduce a new use to the area, a manufactured home sales lot. However, the site abuts 138-acres of partially developed MH zoned land on three of its four sides, with the fourth side being Meridian Avenue frontage, which separates the site from SF-20 zoned agricultural fields and a SF-5 zoned single-family residence and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex. The site's relatively small size and it being surrounded by the 138-acres of partially developed MH zoned land lessen its impact.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2030 Land Use Guide of the Comprehensive Plan" (Plan) identifies the MH zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The MH zoning district is compatible with the urban residential category, but the requested LC zoning is not.

The proposed LC zoning is compatible to the "local commercial" category of the Plan. The UZC allows consideration of outdoor vehicle and equipment sales on LC zoned lots as a Conditional Use on a site by site basis. The "Commercial Locational Guidelines of the Comprehensive Plan" (commercial locational guidelines) recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has direct access onto Meridian Avenue, a four-lane arterial. The commercial locational guidelines also recommend that outdoor vehicle and equipment sales should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these

uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. If approved the conditional use would introduce a new use to the area. The closet manufactured home sales lots may be on the LC zoned southwest corner of the Seneca Street – I-235 interchange and south of the John Mack Bridge on the east side of Broadway Avenue. Both of these sites are the only manufactured home sales businesses in the areas they are located in. The manufactured home sales lot located on Broadway Avenue has auto sales lots in close proximity. The manufactured home sales lot located off of the Seneca Street – I-235 interchange abuts a manufactured home park, with other manufactured home parks in the area. Staff is not sure if there is an obvious cluster of manufactured home sale sites in the city.

The mid-mile location of the site initially makes consideration of the requested LC zoning problematic in that there are LC zoned agricultural fields located on three of the seven corners of the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. However, the site's proposed location and the abutting and adjacent current zoning makes the potential for it having a less adverse impact on the areas' current and future residential development, than the three LC agricultural fields located on the corners of arterial intersections. The mid-mile site has approximately 138-acres of partially developed MH zoning on three of its four sides, with Meridian Avenue separating it from the east adjacent SF-20 zoned agricultural field and the SF-5 zoned single-family residence and the South Lakes Public Parks sports complex. All three of the noted corner LC zoned sites have abutting SF-5 and/or SF-20 zoned properties on their interior sides. The proposed site's 1.98-acre size is smaller than the approximately six-acre LC zoned corner sites. The site's relatively small, irregular size does not allow for a large display area, which will more readily blend into the existing MH development and the future development of the applicant's MH zoned property.

4. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

WARREN moved, **RAMSEY** seconded the motion, and it carried (12-0-1). **FOSTER** – Abstained.

5. **Case No.: CUP2015-00039** - S.J. Ram, LLC (Don Walenta) / Ruggles & Bohm, P.A. (Will Clevenger) request a City Community Unit Plan CUP DP-261 amendment to permit a car wash on Parcel D, adjust parcel lines and increase height of light poles on property described as:

All of Lot 4 and the South 152 feet of the East 40 feet of Lot 2, Block 1, Ann Walenta Commercial Addition to the City of Wichita, Sedgwick County, Kansas

BACKGROUND: The applicant is seeking an amendment to the Oliver Retail Center Community Unit Plan (CUP) DP-261 to permit a car wash on Parcel D, increase the area of Parcel D by 6,078 square feet, increase the height of light poles located on Parcel D from 15 to 20 feet and reduce the area of Parcel B by 6,078 square feet. Parcel B is located west of Parcel D and contains the remnant segment of Dellrose Avenue. (See the attached CUP drawing.) Parcel D is currently platted as Lot 4 of the Ann Walenta Addition and is 218 feet east to west by 152 feet north to south. The applicant proposes to move the western Parcel D boundary west 40 additional feet, which will remove from Parcel B the corresponding area. The proposed new western boundary of Parcel D will match the eastern line of Dellrose Avenue right-of-way. To make the platted Lot 4 boundary match the new Parcel D configuration the western boundary of Lot 4 will need to be "boundary shifted" westward. The southern boundary of new Parcel D will need to be revised to reflect the curve radius of Dellrose Avenue.

All of the land located within DP-261 is zoned LC. Parcel D currently contains 33,002 square feet, permits a maximum building coverage of 9,901 square feet and a maximum floor area of 11,551 square feet. Building height of up to 45 feet are permitted. The site has 35-foot building setbacks located along Orme Street and South Oliver Avenue. General Provision 17 indicates that all parcels are zoned Limited commercial and shall be permitted those uses allowed by-right in the LC district. Car washes are permitted on Parcels F and G, located on the east side of Oliver south U. S. Highway 54/400. The CUP also includes a prohibition for certain uses such as: adult entertainment, nightclubs or correctional placement residences.

Parcels D and B have a platted 20-foot drainage and utility easement located along their current common parcel line (west). A sanitary sewer and utility poles are located in the drainage and utility easement. The applicant has submitted a vacation application (VAC2015-00050) to remove the drainage and utility easement.

The applicant's site plan depicts a 127-foot long car wash with an east to west orientation located just south of the center of the parcel. The western end of the car wash is proposed to be located approximately 184 feet west of the east (Oliver Street) property line and 20 feet from Dellrose Avenue. Access to the site is proposed to be from an existing drive approach on Oliver Street that is located in Parcel C, which is located north of Parcel D. A shared access easement allows traffic to travel across Parcel C to Parcel D. The car wash driveway runs south parallel to Oliver and then turns west, parallel to Orme Street to a payment kiosk. From the payment kiosk the driveway curves north and then turns east to the entrance of the car wash. Cars exit the car wash headed east and turn north to return to the entrance on Oliver Avenue. Twenty-eight parking spaces are shown to the north of the proposed car wash. Two existing drive approaches are located on Orme. The CUP depicts access control except for a 100-foot wide full turning movement access point that covers the southwest corner of Parcel D and existing Dellrose Avenue. Based upon the site plan, it does not appear that these drive approaches are to be used with this project. Access control should be reduced in width or location to eliminate overlap with the new boundary of Parcel D.

Land located to the north of Parcel D and B is part of the Oliver Retail Center CUP DP-261, is zoned LC and is subject to DP-261 development standards. Land located east, across South Oliver Street, is zoned LC and Neighborhood Retail and is developed primarily with a convenience store, car wash and strip retail and commercial uses. Land to the south is zoned Two-Family (TF-3), and developed with a public elementary school. Land to the west is zoned TF-3, and is developed with single-family residences.

The back yards of the closet single-family residences are located some 187 feet west of the subject parcel. The residential yards directly west of the payment kiosk currently have a six-foot tall fence or have vegetation along the rear of the properties. The owner of the CUP may need to install CUP screening along the west line of Parcel B (located west of the subject parcel) or of Parcel D (the subject parcel) if the existing screening is inadequate to block headlights from west-facing cars queued up at the car wash's payment kiosk.

CASE HISTORY: Community Unit Plan DP-261 was approved in 2002, and was expanded in 2008 (ZON2008-00034 and CUP2008-00024). A 2006 Planned Unit Development application for the southeast corner of U.S. Highway 54/400 was denied. The Ann Walenta Addition (SUB2009-00019) was recorded in 2009.

ADJACENT ZONING AND LAND USE:

North: LC, subject to DP-261; vacant
South: TF-3; public school
East: LC and NR; convenience store, strip retail
West: TF-3; single-family residences

PUBLIC SERVICES: The site is located in a part of town that has been served by public services for many years. Sanitary sewer runs through the application area. Water facilities are located in South Dellrose Avenue. At this location, Orme Street has 60 feet of right-of-way and has been improved with a left-turn lane at its intersection with South Oliver. South Oliver is a 90-foot wide four-lane arterial with left turn lanes. The plat depicts complete access control along Orme for the first 218 feet west of Oliver Avenue. One opening is permitted in the 100 feet west of the 218-foot distance. Driveways located in the complete access control segment should be closed or the access controls should be modified to match existing conditions.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" map depicts the site as being appropriate for "urban residential" uses. The 2030 Land Use Guide was initially adopted in 1993 and last amended in 2005. The existing CUP was approved by City Council was initially adopted in 2002 and later amended in 2008. The 2008 City Council approved CUP represents the most recent land use plan and policy for the site.

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

- A. The second sentence of General Provision 17 is amended to include the following: All parcels shall be zoned Limited Commercial zone. Parcels D, F and G shall allow car wash as a permitted use. The car wash use shall conform to UZC Sec. III-D.6.f (unless specifically modified by this plan) and shall be subject to a staff approved site plan. No drive-in or drive-through facilities shall be located within 200 feet of residential zoning on Parcels B and E. No service station and convenience stores with gas islands, and car washes shall be permitted on Parcels B and E. No Parcel within the CUP shall allow the use of adult entertainment establishments, group

residential, correctional placement residences, vehicle sales, multi-game, casino-style gambling facilities, private clubs, taverns, nightclubs, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.

- B. Parcel B Net Area: ~~95,580~~ 89,611 sq. ft. or ~~2.19~~ 2.06 acres
Maximum Building Coverage: ~~28,674~~ 26,883 sq. ft. or 30 percent
Maximum Gross Floor Area ~~33,453~~ 31,364 sq. ft.
- C. Parcel D Net Area: ~~33,002~~ 39,080 sq. ft. or ~~0.76~~ 0.89 acres
Maximum Building Coverage: ~~9,901~~ 11,724 sq. ft. or 30 percent
Maximum Gross Floor Area: ~~11,551~~ 13,678 sq. ft.
Add item I. Light poles shall be a maximum of 20 feet in height including base.
- D. Existing driveways to Parcel D from Orme Street shall be closed or access control vacated prior to issuance of an occupancy permit for Parcel D.
- E. Submission of four CUP's within 60 days of final approval to the Metropolitan Area Planning Department.
- F. The proposed amendments apply only to the described parcels.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north of Parcel D and B is part of the Oliver Retail Center CUP DP-261, is zoned LC and is subject to DP-261 development standards. Land located east, across South Oliver Street, is zoned LC and Neighborhood Retail and is developed primarily with a convenience store, car wash and strip retail and commercial uses. Land to the south is zoned Two-Family (TF-3), and developed with a public elementary school. Land to the west is zoned TF-3, and is developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC subject to the development standards contained in CUP DP-261. Parcel D is permitted nearly all LC uses that are permitted by right. The LC zoning district permits by right a very wide range of residential, office and commercial uses. As currently zoned, presumably the site could be put to one or more permitted uses that would generate an economic return as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CUP already permits a car wash on two the CUP's parcels located east of Oliver Avenue. The site is located approximately 187 feet from the closet residential uses, located to the west. Ultimately there will be additional non-residential uses located west of the subject parcel.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide the general public with an additional choice in car wash facilities. Denial would presumably represent a loss of economic opportunity to both the land owner and the car wash operator.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” map depicts the site as being appropriate for “urban residential” uses. The 2030 Land Use Guide was initially adopted in 1993 and last amended in 2005. The existing CUP was approved by City Council was initially adopted in 2002 and later amended in 2008. The 2008 City Council approved CUP represents the most recent land use plan and policy for the site. The proposed amendment is consistent with the range of uses anticipated by the most recently adopted CUP.
6. Impact of the proposed development on community facilities: Existing facilities are in place or can be extended to serve the proposed use.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

DENNIS moved, **MCKAY** seconded the motion, and it carried (13-0).

6. Case No.: CUP2015-00041 - Ronald D. Ryan Living Trust (owner) / Paul Gray (agent) request a City Community Unit Plan CUP DP-134 amendment to increase the residential density on property described as:

Lot 2 EXCEPT beginning at the Northwest corner; thence South 305 feet; thence Southwest 164.44 feet; thence South 135.95 feet; thence East 299.99 feet to the East line; thence North 439.62 feet; thence West 10 feet; thence North 100 feet; thence West 150.51 feet to the point of beginning an EXCEPT part deeded for sidewalk, Timber Grove Lakes Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The application area is undeveloped property within Parcel 2a of DP-134, The Timber Groves Lakes Community Unit Plan (CUP), a 6.65-acre site at the northwest corner of North Maize Road and West Central Avenue. The vacant site currently has a detention water feature on the south and east side of the site, along Maize Road. The applicants wish to build three multi-family buildings, three stories each, with 24 dwelling units per building for a total of 72 dwelling units (10.87 dwelling units per acre) with no architectural restrictions (see the attached site plan). The CUP currently limits Parcel 2a to a total of 15 dwelling units, six dwelling units per building, townhouse units, two-story buildings, and requires architectural compatibility with nearby office and residential buildings using fieldstone. Therefore, the applicants request an amendment to DP-134 Parcel 2a to eliminate the stated restrictions. The application area is zoned GO General Office (GO), which permits 75 dwelling units per acre.

The application area, Parcel 2a, is the only undeveloped parcel within the CUP. Immediately north of the site is a two-story office building on the GO zoned Parcel 2. North and west of the site is the SF-5 Single-family Residential (SF-5) zoned Parcel 3, developed with the Timber Groves Lakes residential development. Parcel 3 has 45 existing residences, a mixture of single-family residences and attached duplexes. The CUP allows Parcel 3 to develop a total of 416 dwelling units, in a mixture of single and multi-family housing types, at a maximum density of 7 units per acre. Parcel 1, south of the site, is

zoned LC Limited Commercial (LC) and developed with retail, restaurant and banking uses. The CUP grants the application area cross lot access to the north to Maize, using the one access point to Maize currently used by the office building to the north and the Timber Grove Lakes residences. The CUP also grants this site cross lot access to Central to the south, across the commercially developed Parcel 1. A bridge across the detention water feature exists between the southwest corner of the application area and Parcel 1, and a drive aisle exists on the west side of the Wal-mart Neighborhood Market, connecting to Central. The CUP requires a landscape buffer between this site and Parcel 3 at a rate of 1 shade tree or equivalent per 30 linear feet. The CUP requires a masonry wall between the application area and Parcel 3, the wall is already constructed. Beyond the boundaries of DP-134, surrounding uses include an SF-5 zoned park to the north and west, an SF-5 zoned church and houses east of the CUP across Maize Road, and LC zoned commercial development south of the CUP across Central.

CASE HISTORY: The site was rezoned to GO with DP-134 in 1983 and was platted as the Timber Grove Lakes Addition in 1984. A 2008 CUP Amendment split the application area, Parcel 2a, from Parcel 2 and permitted multi-family residential development with the above stated restrictions.

ADJACENT ZONING AND LAND USE:

NORTH:	GO, SF-5	Offices, single and two-family residences, park
SOUTH:	LC	Commercial development
EAST:	SF-5	Church, single-family residences
WEST:	SF-5	Single and two-family residences, park

PUBLIC SERVICES: The CUP grants this site cross lot access to Maize and Central. Maize is a four-lane arterial with a 110-foot right of way (ROW) at the access point and a southbound right turn decel lane. This portion of Maize has a traffic count of 21,505 vehicles per day. Central is a five-lane arterial with a 124-foot ROW at the access point; this portion of Central has both east and west bound accel/decel lanes. This portion of Central has a traffic count of 13,449 vehicles per day. Per the City Traffic Engineer, the proposed multi-family development would generate 6.59 vehicle trips per day per unit, for a total of 474 daily trips. The City Traffic Engineer recommends requiring this development to maintain cross lot access to Central to the south, reducing the impact on the Maize access point. Sidewalks are available on both adjacent Maize and Central, the site is on the West Central transit bus route. All typical urban services are available.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “local commercial.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The UZC and Comprehensive Plan consider residential development less intense than commercial development. The Comprehensive Plan locational guidelines consider this request “high density” residential development as it exceeds 10 units per acre. The Comprehensive Plan Residential Locational Guidelines recommend that medium and high density residential uses locate within walking distance of neighborhood commercial centers, parks, schools and public transportation routes. The Comprehensive Plan also recommends close proximity to concentrations of employment, major thoroughfares and utility trunk lines. They should be directly accessible to arterial or collector streets, in order to avoid high traffic volumes in lower density

residential neighborhoods. And, they should be sited where they will not overload or create congestion in existing and planned facilities/utilities.

RECOMMENDATION: The applicant's request is to increase the permitted residential density on this vacant CUP parcel, and to eliminate other development restrictions. Planning staff notes that peak hour traffic from this development could be a concern, and recommends that the CUP amendment require a connection to Central through the commercial development drive aisle to the south. Several residential neighbors from Timber Grove Lakes contacted staff opposed to this request. Opposition appears primarily against the three-story building request, visual compatibility, the total number of units and associated traffic, noise, trash and light. Staff feels that the CUP's existing architectural compatibility requirement with fieldstone, along with the existing landscape buffer requirement and screening wall should mitigate the visual concerns. The UZC limits light pole height to 15 feet when within 200 feet of residential zoning, and requires cut-off luminaires to minimize light trespass and glare. The UZC also requires trash receptacle screening. Therefore, staff feels that the potential impacts generated by this request can be mitigated with existing CUP and code requirements along with staff recommended conditions.

Based upon the information available prior to the public hearings, planning staff recommends that the request for an amendment to DP-134 2a to remove CUP architectural compatibility with fieldstone be **DENIED**. Planning staff further recommends that the request to increase multi-family units to 72, to increase the number of units in a building to 24, to increase the number of building stories to three, and to allow apartment buildings be **APPROVED** subject to the following conditions:

- (1) The CUP shall be amended to require multi-family residential development on Parcel 2a to maintain cross lot access to both Parcel 1 and Parcel 2. The applicant shall construct access improvements from Parcel 2a to Parcel 1 prior to obtaining residential building permits.
- (2) The applicant shall submit a site plan demonstrating access from Parcel 2a to Parcel 1, to be approved by planning staff and the City Traffic Engineer.
- (3) The applicant shall submit building elevations, to be approved by planning staff, demonstrating architectural compatibility per the CUP requirements.
- (4) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days of approval or the request shall be considered denied and closed.
- (5) If the Zoning Administrator finds that there is a violation of any of the conditions of the CUP amendment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the CUP amendment null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The application area, Parcel 2a, is the only un-developed parcel within the CUP. Immediately north of the site is a two-story office building on the GO zoned Parcel 2. North and west of the site is the SF-5 zoned Parcel 3, developed with the Timber Groves Lakes residential development. Parcel 3 has 45 existing residences, a mixture of single-family residences and attached duplexes. Parcel 1, south of the site, is zoned LC and

developed with retail, restaurant and banking uses. Beyond the boundaries of DP-134, surrounding uses include an SF-5 zoned park to the north and west, an SF-5 zoned church and houses east of the CUP across Maize Road, and LC zoned commercial development south of the CUP across Central.

- (2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned GO with DP-134 use restrictions and development standards, and could be developed for a number of uses under those restrictions. However, the site has been vacant as zoned for GO since 1984, and has been vacant with the 15-unit multi-family restrictions since 2008.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed amendment would increase the total number of dwellings permitted on the site, and would increase the permitted number of building floors from two to three. The proposed development could impact adjacent residences with increased traffic, noise, and visual changes. These impacts should be mitigated by the existing screening wall, CUP requirements for a landscape buffer and architectural compatibility, and UZC light and screening compatibility requirements.
- (4) Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will add housing at an urban infill location with existing infrastructure, utilities, nearby park and commercial amenities. Vehicle traffic from the site could negatively impact access to the arterial street network, particularly if only once access point is made available. Denial of this request would presumably be a loss of economic opportunity for the land owner or developer.
- (5) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “local commercial.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The UZC and Comprehensive Plan consider residential development less intense than commercial development. The Comprehensive Plan locational guidelines consider this request “high density” residential development as it exceeds 10 units per acre. The Comprehensive Plan Residential Locational Guidelines recommend that medium and high density residential uses locate within walking distance of neighborhood commercial centers, parks, schools and public transportation routes. The Comprehensive Plan also recommends close proximity to concentrations of employment, major thoroughfares and utility trunk lines. They should be directly accessible to arterial or collector streets, in order to avoid high traffic volumes in lower density residential neighborhoods. And, they should be sited where they will not overload or create congestion in existing and planned facilities/utilities.
- (6) Impact of the proposed development on community facilities: The requested CUP amendment could negatively impact access to the arterial street network. The proposed cross lot access requirement to both Maize and Central should mitigate that concern.

JESS MCNEELY, Planning Staff presented the Staff Report. He indicated that numerous neighbors who are opposed to this request from the Timber Grove Lakes neighborhood have been in contact with staff. He said they expressed concerns about drainage. He said City Storm Water staff has confirmed that although the site is platted and has the existing floodway channel on it, development of anything

over one acre with an impervious surface will require additional detention. He said traffic is also a concern and added that 72 units could generate over 400 trips per day from the site. He said this portion of Maize supports over 21,000 vehicles per day so the Traffic Engineer recommended that there be improved cross lot access to both Central Avenue and Maize Road so there will be two ways in and out of the complex. He said as far as visual concerns of the neighbors, the existing fence is not at least six feet tall as required by Code so that could be addressed. In addition, he said the neighbors are opposed to anything other than what was approved in 2008 which were two-story townhouses. He said the neighbors feel three-story apartment buildings is a significant jump from what was requested previously.

JOHNSON asked about the DAB recommendation.

MCNEELY indicated that DAB will not hear the case until December 7, 2015.

RICHARDSON asked what was the reason the DAB will not hear the case until then.

MCNEELY said it was a scheduling issue said staff does not hold up cases from going to the Planning Commission so that DAB can hear them first.

RICHARDSON asked if the Commission could defer the case until after the DAB hearing.

MCNEELY indicated yes, if that was the wish of the Commission.

RICHARDSON clarified that the site plan will have more than one acre of impervious surface, but no detention is shown on the drawing attached to the Staff Report.

MCNEELY said the required detention was a development standard.

RICHARDSON said he preferred that the DAB hear the case first.

MOTION: To defer hearing the case until after the DAB hearing.

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

DENNIS commented that there were a whole of people in the audience, and he felt the Commission should hold the public hearing on the case. He said they would be forcing the public to come back again. He said he wanted to hear what the audience had to say.

RICHARDSON said this was forcing the Commission to make a decision before the DAB ways in on the issue.

CHAIR NEUGENT asked legal counsel if the Commission deferred the application, could they still take public comment.

VANZANDT said if the case was deferred, the Commission couldn't take public comment. He said the Commission could hear the public comment and then defer the case.

The **MOTION** to defer was withdrawn, with permission of the second.

MCKAY asked if the Commission took public comment today, would they have an additional public hearing after the DAB meeting.

VANZANDT said staff would encourage people that if they spoke today, not to get up and say the same thing when it comes back to the Commission.

CHAIR NEUGENT commented the last time the Commission had a similar case, they reheard the entire case.

VANZANDT indicated there had been a time lag on the previous case, plus there were new Commissioners who had not heard the case the first time.

WARREN said if changes are going to be made to the application at DAB, then the Commission needs to wait to hold the public hearing until after the DAB meeting.

MOTION: To defer the case until December 17, 2015.

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

DIRECTOR MILLER clarified that the issue about DAB meetings comes up all the time. He said all of the DAB's, with the exception of one, meet once a month. He said the Planning Department has "closing dates" for Planning Commission meetings twice a month. He said there can be as many as ten days to two weeks between when the DAB can meet and when the Planning Commission meets. He said current policy is not to delay cases going to the Planning Commission just to be heard by the DAB.

DAILEY said he liked the policy of not holding developers up.

DENNIS said they have run into this situation quite frequently as a Board and although it is an inconvenience for the Commission to hear a case twice, he feels it is more of an inconvenience to the public not to have an opportunity to speak, so he will not be supporting the motion to defer.

MCKAY asked what the applicant thought about deferring the item.

PAUL GRAY, 1861 NORTH ROCK ROAD, SUITE #200, APPLICANT said they are present at the pleasure of the Commission and would be happy to postpone the item until a later date.

The **MOTION** to defer the item carried (9-4). **DENNIS, FOSTER, MILLER STEVENS** and **TODD** – No.

CHAIR NEUGENT said the Commission wanted to be clear on what action they are taking. She said they are not taking public input but are deferring the item until the December 17, 2015 Planning Commission Hearing.

MIKE HILL, 909 NORTH MAIZE ROAD, #720 said he wanted to make sure the neighbors knew what was going on. He clarified that the item would be heard by the DAB on December 7, and that they could express their feelings at that meeting. He said the DAB findings will then be provided to the Planning Commission. He asked if the neighbors would be allowed to speak at the next Planning Commission meeting.

CHAIR NEUGENT clarified that the public hearing on the item will be held by the Planning Commission on Thursday, December 17, 2015 and the neighbors will be allowed to give testimony at that meeting.

DIRECTOR MILLER explained that because the Commission deferred the item to a date specific, there would not be new individual notices to surrounding property owners. He said it would be up to the neighbors present to communicate that information to anyone who was not at today's meeting.

7. Case No.: PUD2015-00005 - City of Wichita, Wichita Ice Center (Applicant/Owner); and Ferris Consulting, c/o Greg Ferris (Agent) request a City zone change to a PUD Planned Unit Development for the Wichita Ice Center on property described as:

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

BACKGROUND: The applicants propose replacing the existing GC General Commercial (GC) zoning on this platted property with the proposed PUD #48 Wichita Ice Center Planned Unit Development (PUD), see the attached PUD document. According to the Unified Zoning Code (UZC), a PUD is intended to:

- (1) Reduce or eliminate the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (2) Allow greater freedom in selecting the means to provide access, light, open space and design amenities;
- (3) Promote quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and
- (4) Allow deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code.

The applicant's 5.7-acre site is developed with the Wichita Ice Center building and associated parking, the applicants do not anticipate any additional development on the site or changes in use. The requested PUD would allow all uses permitted under the GC zoning district, except for Adult Entertainment, Vehicle Sales, Vehicle Repair and Night Clubs. All uses would be subject to the development standards of the GC zoning district.

The applicants propose signage that differs from the Sign Code under GC zoning and differs from the Delano Neighborhood Design Guidelines. Those differences are detailed below:

Pole Signs:

Permitted under GC zoning:

Sycamore (local street) frontage - 4 signs, 50 square feet per sign, 295 square feet cumulative sign area, 25-foot-height.

Maple (arterial) frontage - 3 signs, 300 square feet per sign, 370 square feet cumulative sign area, 25-foot height.

Kellogg Expressway frontage - 3 signs, 300 square feet per sign, 370 square feet cumulative sign area, 25-foot height.

*Kellogg is elevated at this location, the Sign Code would allow an administrative adjustment to increase sign height to 20 feet above the elevated highway rail.

Delano Neighborhood Design Guidelines: 32 square feet per sign, 16-foot height, no flashing or moving signs.

Proposed under PUD #48:

Sycamore (local street) frontage - 4 signs, 200 square feet per sign, 425 square feet cumulative sign area, 25-foot height.

Maple (arterial) frontage - 3 signs, 300 square feet per sign, 370 square feet cumulative sign area, 35-foot height.

Kellogg Expressway frontage - 3 signs, 475 square feet per sign, 475 square feet cumulative sign area, 55-foot height for one sign.

Building Signs:

Permitted under GC zoning: 20% of building elevation.

Delano Neighborhood Design Guidelines: no additional size restrictions.

Proposed under PUD #48: 40% of building elevation, no sign to exceed 400 square feet.

Proposed building setbacks are 20 feet for the Maple and Sycamore frontages, with no rear or interior side setback required, consistent with code requirements in GC zoning. Proposed building height is 50 feet, the existing GC zoning would permit 80-foot building heights. Proposed building coverage is 30% with a 35 % floor-area-ratio. Parking is to be provided per the code. Proposed landscaping is per City Code, with the existing landscaping considered meeting this requirement.

The application area is located in the southeast corner of the Delano Neighborhood. The site is located within the boundaries of the Delano Neighborhood Plan (adopted in 2001) and the Project Downtown Plan (adopted in 2010). North of the application area is the GC and LC Limited Commercial (LC) zoned Lawrence-Dumont baseball field and associated parking. South of the site is the elevated Kellogg Expressway. East of the site is an LC zoned hotel/apartment development. West of the site, across Sycamore, are single-family residences in a mixture of SF-5 Single-family Residential (SF-5), TF-3 Two-family Residential (TF-3), and MF-18 Multi-family Residential (MF-18) zoning. Also west of the site, at the southwest corner of Sycamore and Maple is a GC zoned commercial building.

CASE HISTORY: The property was re-platted as the Wichita Ice Center Addition in 2013. The property was re-zoned from LC and B Multi-family Residential (B) to GC in 2012. The Wichita Ice Center building was built in 1996.

ADJACENT ZONING AND LAND USE:

NORTH:	GC, LC	Baseball stadium, parking
SOUTH:	none	Kellogg Expressway
EAST:	LC	Hotel/apartment development
WEST:	GC, SF-5, TF-3, MF-18	Warehousing, single-family residences

PUBLIC SERVICES: The site has frontage along the elevated Kellogg Expressway with platted complete access control. The site has access to Maple Street, a five lane arterial with an 80-foot right of way (ROW). The site also has access to Sycamore Street, a three lane local street with a 60-foot ROW. All other utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Wichita-Sedgwick County Comprehensive Plan identifies this site and the adjacent baseball stadium as appropriate for “Major Institutional” uses. The Major Institutional category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The application area is within the Delano Neighborhood Overlay District, subject to the Delano Neighborhood Design Guidelines and therefore reviewed by the Delano Advisory Committee.

RECOMMENDATION: This request went before the Delano Advisory Committee on November 9th where it was approved 5-0. The committee discussed signage height and size, and “V” shaped signage screening of structural elements. Planning Staff notes that the proposed use is permitted under the existing GC zoning. The applicant’s proposed PUD will better unify development on the site than what would be permitted under GC zoning. Staff recommends several conditions to make the PUD consistent with the Zoning Code intent for a PUD and the Delano Design Guidelines. Based on information available prior to the public hearing, staff recommends the request be **APPROVED** subject to the following conditions:

- A. Amend General Provision #5B to add screening to the backside of “V” shaped signs.
- B. Amend General Provision #5C to limit sign rights to 295 square feet and individual sign size to 50 square feet along Sycamore.
- C. Amend General Provision #5D to add “sign spacing shall follow sign code.”

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The application area is located in the southeast corner of the Delano Neighborhood. The site is located within the boundaries of the Delano Neighborhood Plan and the Project Downtown Plan. North of the application area is the GC and LC zoned Lawrence-Dumont baseball field and associated parking. South of the site is the elevated Kellogg Expressway. East of the site is an LC zoned hotel/apartment development. West of the site, across Sycamore, are single-family residences in a mixture of SF-5, TF-3, and MF-18 zoning. Also west of the site, at the southwest corner of Sycamore and Maple is a GC zoned commercial building.

- (2) The suitability of the subject property for the uses to which it has been restricted: The site could be developed as currently zoned with the existing Ice Center and signage. The proposed PUD increases sign flexibility on the site.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD signage along Kellogg will be visible from nearby properties, as any Kellogg frontage signage will be visible from nearby properties. Screening provisions should reduce the impact on surrounding properties.
- (4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The 2030 Wichita Functional Land Use Guide of the Wichita-Sedgwick County Comprehensive Plan identifies this site as appropriate for “Major Institutional” uses. The Major Institutional category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The application area is within the Delano Neighborhood Overlay District, subject to the Delano Neighborhood Design Guidelines and therefore reviewed by the Delano Advisory Committee.
- (5) Impact of the proposed development on community facilities: The proposed PUD will have no additional impact on community facilities beyond the existing development.

JESS MCNEELY, Planning Staff presented the Staff Report. He referred to a hand out which amended the original staff recommendation to remove language prohibiting moving or flashing signs.

DAILEY clarified that the Delano Committee recommendation was just for this PUD.

MCNEELY said that was correct and added that under the Design Guidelines the Committee reviews development within the Delano Overlay.

FOSTER asked about doubling the allowances for sign areas. He asked if the full movement LED sign was only along Kellogg because the Staff Report didn't state that.

MCNEELY agreed that the PUD does not specifically state where the full movement LED signs can be located on the site. He suggested the Commission address that with the applicant.

FOSTER said he felt it would be appropriate to keep the full movement LED sign along Kellogg only.

GREG FERRIS, REPRESENTING GENESIS HEALTH CLUBS WHO IS THE OPERATOR OF THE WICHITA ICE CENTER said they have been working with the Park, Legal and Property Management Departments of the City as well as other departments to try to improve attendance at the Ice Center. He said when Genesis took over the operation the center was barely making it. However, since their investment usage and attendance has greatly increased. He said that has “flattened out” over the last year to year and a half. He said they are discovering that a lot of people don't know the Ice Center is there. He said they began exploring signage options along Kellogg and the movable LED signs would describe different programs such as junior hockey, ice skating lessons, etc. He said with 100,000 cars traveling along Kellogg, it would be a great opportunity. He said this would be an “on

site” sign with no advertising of off premises businesses; it would strictly be used for ice rink business. He said they also believe this will be a big plus for the City. He said because of the frontage they have along Kellogg, they discovered they would be allowed a 300 square foot sign; however, they felt maybe a little larger sign was needed because it would need to be above the highway and also because of the speed of the traffic. He said that is why they are pursuing a PUD. He said if the Commission wants to include the proviso that the only full motion LED sign is along Kellogg, they have no issue with that because that was always their intent. He said Genesis is investing probably over a quarter of a million dollars in the sign and they wanted to insure they would have full usage of the video. He concluded by stating that they concur with the Staff Report as amended.

WARREN asked how bright the sign could be because he didn't want to create a safety hazard.

FERRIS answered that there was a dimming requirement in the Sign Code. He said when they apply for a sign permit, they have to be able to show that the sign has automatic dimming capabilities.

ELLISON clarified that the sign will have changing messages. He also asked about removing the tree line behind the property.

FERRIS said yes, the sign will have changing videos. He said they may have to trim a couple of the trees he was not sure but they will not be removing any trees. He added that they can't do anything without the permission of the Park Department, and said he did not think the Park Department would allow them to take out trees. He said this is still City property so anything they want to do has to be approved by the Law and Park Departments. He said this will give them the right to apply for a sign permit, not build the sign. He said they still have to run it back through the Law and Park Departments and the City will have to sign the application.

RICHARDSON clarified that the height of the sign will be 20 feet above the roadway.

FERRIS said he believed it will be 21½ feet above the roadway.

RICHARDSON commented that the Sign Ordinance sets 20 feet above the roadway as the maximum.

DAILEY asked if anyone from Traffic Engineering was present. He said he was wondering if it was appropriate to have a moving sign along Kellogg. He asked if it would divert driver's attention.

FERRIS responded that there has been extensive research and study on whether full motion video signs have an impact on traffic. He said there has never been a case where someone has been able to show that a sign was the reason for an accident. He said there are currently 6-8 full motion video signs on Kellogg today.

MOTION: To approve subject to staff recommendation as amended and the LED motion sign be allowed along Kellogg only.

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

8. **Case No.: DER2015-00001** - Return of the Community Investments Plan 2015-2035 to the MAPC by the Sedgwick County Board of Commissioners and the Wichita City Council for further consideration.

Background: In 2012, the City of Wichita and Sedgwick County jointly appointed a Plan Steering Committee to develop the Community Investments Plan to replace the current joint City and County Comprehensive Plan which dates back to 1993. A more current plan is needed to provide a policy framework and set priorities to guide future public investments out to the year 2035 in municipal buildings and infrastructure (e.g. libraries, public safety buildings, streets, bridges, parks, water supply, sanitary and storm sewer, culture, and recreation, etc.).

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

In March 2015, the Plan Steering Committee released the draft *Community Investments Plan 2015-2035* for public review and feedback. The Planning Department organized four public open house events and provided over 40 presentations (April through June) to over 700 people on the draft Plan. Feedback was also received through the *Activate Wichita* website. The Steering Committee met on June 24, 2015 to finalize changes to the draft Plan based upon feedback received from the community engagement process and two workshops with the Wichita City Council in April and June. In late June and early July, staff briefed the members of the Sedgwick County Board of Commissioners on the contents of the draft Plan.

On July 16th, the Advance Plans Committee passed a motion recommending that the MAPC set a public hearing date to consider the proposed adoption of the final draft *Community Investments Plan 2015-2035* as the new Comprehensive Plan for Wichita-Sedgwick County. In early August 2015, staff presented the final draft of the Community Investments Plan to the six District Advisory Boards (DAB's) for the City of Wichita. All six DAB's voted unanimously to recommend that the Plan be adopted as the new comprehensive plan for Wichita and Sedgwick County.

At the public hearing held on August 20, 2015, the MAPC unanimously approved a resolution adopting the Community Investments Plan 2015-2035 as the new Comprehensive Plan for Wichita-Sedgwick County. Existing adopted neighborhood and area plans were also adopted as elements of the new Plan. The Plan does not take effect until it is approved by the governing bodies of the City of Wichita and Sedgwick County.

On October 6, 2015, the City Council considered a recommendation to approve the *Community Investments Plan 2015-2035*. Council passed a motion to defer action on the Plan until the November 10, 2015 Council meeting in order to see what action the County Commissioners take on the Plan at the November 4, 2015 County Commission meeting.

On November 4, 2015, the County Commissioners passed a motion (3-2) to return the Plan to the MAPC with a list of recommended Plan changes. Given this action by the County Commissioners, the Wichita City Council passed a motion (5-0) at the November 10, 2015 Council meeting to return the

Plan to the MAPC for further consideration of the Plan changes recommended by the County Commissioners, but with the recommendation that the Plan stay as originally adopted by the MAPC on August 20, 2015.

On November 12, 2015, the Advance Plans Committee met to consider the merits and appropriateness of the County Commission and the Wichita City Council recommended changes to the Plan. The Committee has submitted for consideration by the MAPC, a recommended action/response (see Recommended Action) to the Plan changes as recommended by the governing bodies.

Members of the Wichita-Sedgwick County Plan Steering Committee who are not members of the MAPC have been invited to attend the November 19th MAPC meeting and may be given the opportunity to provide comment and perspective on this matter if so desired by the MAPC.

Analysis: The MAPC has an obligation to consider the merits and appropriateness of the recommended Plan changes as submitted to the MAPC by the County Commissioners on November 4, 2015. In accordance with procedures set forth in KSA 12-747(b), the MAPC has at its November 19th meeting, essentially two actions it can take:

1. Resubmit to the Sedgwick County Board of Commissioners and the Wichita City Council, the *Community Investments Plan 2015-2035* adopted by the MAPC on August 20, 2015, with a recommendation to approve the Plan as originally submitted and stating the reasons therefore.
2. Submit to the Sedgwick County Board of Commissioners and the Wichita City Council, the *Community Investments Plan 2015-2035* adopted by the MAPC on August 20, 2015, with a recommendation to approve the Plan with amendments (to include new and amended elements that may or may not reflect all or portions of the Plan changes recommended by the County and/or City).

KSA 12-747(b) also states that if a planning commission fails to deliver its recommendations to the governing body following the planning commission's next regular meeting after receipt of the governing body's report (and placed on the planning commission meeting agenda), the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendations and proceed accordingly.

Recommended Action (Advance Plans Committee):

The recommended action of the Advance Plans Committee is outlined in Attachment #4.

Attachments:

1. Final Draft *Community Investments Plan 2015-2035* approved by the MAPC on August 20, 2015. This link will provide electronic access to the Plan document:
<http://www.wichita.gov/Government/Departments/Planning/PlanningDocument/09%20Final%20Plan-MAPC%20Adopted.pdf>
2. Sedgwick County Commissioners Recommended Plan Changes, November 4, 2015

SCOTT KNEBEL, Planning Staff presented the Staff Report. He summarized action regarding the Plan to date and reviewed a PowerPoint presentation as follows:

Plan Approval Process

- On 20 August 2015, MAPC unanimously adopted the *Community Investments Plan 2015-2035* as the new Wichita-Sedgwick County Comprehensive Plan
- MAPC recommended that the City Council and the County Commission approve the Plan
- Under KSA 12-747(b), the governing body (City & County) must approve the Plan for it to become effective
- *October 6, 2015* – City Council deferred action on the Plan to the November 10th Council meeting to wait on County response to Plan
- *November 4, 2015* – County Commission returned the Plan to the MAPC with a list of recommended changes for consideration
- *November 10, 2015* – City Council returned the Plan to the MAPC with a recommendation to leave the Plan as is

- KSA 12-747(b) provides City Council and County Commission with three options:
 1. Approve the Plan as recommended by the MAPC
 2. Override & change the recommended Plan by a 2/3 majority vote
 3. Return the Plan to the MAPC for further consideration with a statement specifying the basis for failure to approve or disapprove

Summary of County Commission Recommendations to MAPC (11-04-15)

- Add reference to maintaining existing local County one-cent sales tax distribution formula (add to pgs. 3 & 39), which is used to fund road and bridge projects and to reduce property tax mill levy, recommending that the tax and distribution be kept among the jurisdictions as is
- Clarify that the purpose of the Plan is to enable joint subdivision regulations (pg. 3). He said the Plan stated other purposes that were recommended for removal
- Clarify that future land use policies must be market-driven growth and that individual property rights are paramount in the decision making process (pg. 17)
- Consider privatizing the City's transit system ... operate it only with existing funding (pg. 33) ... change transit funding to 'low' priority
- Increase new bypasses to a 'medium' priority, and freeway enhancements from "medium priority" to 'medium-high' priority (pg. 30)
- Fund additional road maintenance but without any tax increases (pg. 30)
- Eliminate the strategy to implement Wichita's Bike and Pedestrian Master Plans. He said it was further clarified that bicycle and pedestrian infrastructure should be limited to recreation and not a transportation function (pg.31)
- Eliminate the strategy to develop a community-wide broadband infrastructure plan (pg. 31)
- Eliminate the strategy for a built environment strategic plan which would deal with urban forests, street trees and other types of community aesthetic and ecological investments (pg. 33)
- Eliminate the strategy to develop a joint City/County integrated cultural arts facilities investment plan (pg. 33)

Summary of City Council Recommendations to MAPC (11-10-15)

- To give further consideration of Plan changes recommended by the County Commissioners on 11-04-15, with the Wichita City Council recommending that the Plan stay as originally adopted by the MAPC on August 20, 2015

Advance Plans Committee Recommendations (11-12-15) to MAPC Regarding Plan Changes

- Pg. 17 – add reference to protecting individual property rights in Introduction
- Pg. 29 – add new Strategy C. that emphasizes retaining the existing one-cent County sales tax under Funding and Financing Goal 2
- Pg. 30 – add that opportunities for alternate, innovative transit solutions must be pursued under Plan Context and Perspective
- Pg. 30 – reverse the listing order of Wichita’s transportation priorities under Plan Context and Perspective noting that the City and County have different priorities when it comes to transportation
- Pg. 30 – add a new listing of transportation priorities for Sedgwick County under Plan Context and Perspective
- Pg. 31 – eliminate ‘public’ in reference to transit in Strategy B of Goal 2
- Pg. 33 – minor wording changes for placement of the word ‘premier’ in Goal 1 statement
- Pg. 33 – suggested deleting the reference to the establishment of a task force in Strategy G (agritourism)

Plan Approval Process

KSA 12-747(b) provides MAPC with essentially two options:

1. Resubmit to the governing bodies, the Plan adopted by MAPC on August 20, 2015 with a recommendation to **approve as originally submitted**, and stating the reasons therefore
2. Submit to the governing bodies, the Plan adopted by MAPC on August 20, 2015 with a recommendation to **approve with amendments** (to include new and amended elements that may or may not reflect all or portions of the Plan changes recommended by the County and/or City)

KSA 12-747(b) states that if a planning commission fails to deliver its recommendation to the governing body following the planning commission’s next regular meeting after receipt of the governing body’s report, the governing body shall consider such course of inaction as a resubmission of the original recommendation.

KNEBEL suggested the Planning Commission hear from the public present and make a recommendation to the governing bodies about whether or not to amend the Plan.

DAILEY asked if the Commission sends the Plan back to the governing bodies, what vote is required.

KNEBEL said if the Planning Commission decides to amend the Plan a majority vote, or eight (8) affirmatives is required. He said once the governing bodies get the Plan back from the Planning Commission, since they have returned it to the Planning Commission for reconsideration, he said on second hearing they can make changes with a simple majority vote.

RAMSEY asked legal if he needed to declare ex-parte communication.

ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR said it is not required; however, he may do so for the record.

RAMSEY declared that he had ex-parte communication and commented that he was sure other Commissioners had some also.

RICHARDSON asked if there is disagreement between the City and County; how does the decision get made.

KNEBEL said right now the City and County have adopted the identical Plan. He said that is not a statutory requirement. They could adopt plans that differ. He said that might be a logistical problem in terms of implementation, but it is a legal outcome. He said options available to the governing bodies include adopting what the Planning Commission recommends, making changes or keeping the current Plan in place. He asked if legal counsel had anything to add.

PARNACOTT said language that the County wants and the City does not could be shown and clearly identified as adopted only by the County. He said from a practical aspect the Plan is used for evaluation of Capital Improvement Plans, annexations and zoning cases. He said the difference between City and County versions may have impact on City versus County zoning cases in the future. He said having different Plans is allowed under the statute and it is up to the governing bodies to decide what they want their Plan to be.

GOOLSBY asked why are we here then.

PARNACOTT said the Planning Commission has a statutory obligation.

MCKAY asked why the sentence "it is imperative that this revenue stream remain" used in reference to the one cent sales tax.

KNEBEL said he had received the same feedback. He said perhaps some of the Advance Plans Committee members can explain why that was worded that way. He said he has heard it could be interpreted as keeping the funding formula the same.

MCKAY commented that the whole paragraph says we need it, we want it and it seems like a duplication of effort to him.

DENNIS commented that the Advance Plans Committee went through each of the recommended items. He said some things could have been articulated better, he doesn't disagree with that. He said the original draft was much longer than what is being presented to the Commission. He said the Committee took most of Commissioner Howell's recommendations into account. He said as long as he has been on the MAPC (eight years), they have complained about how out of date the Plan is. He said a lot of good people have spent thousands of hours putting together a Plan. He said they still need a Plan that fits both the City and County and that is what the Committee and others tried to do when developing the Plan. He commented that the Advance Plans Committee is made up of three (3) members appointed by the County Commission and three (3) members

appointed by the City council. He noted that most of the votes were 6-0 on suggested Plan changes. He said the Committee recognizes that there has to be a Plan and this is their recommendations on how to get a Plan out to the citizens in Wichita and Sedgwick County.

JEFF LONGWELL, MAYOR, CITY OF WICHITA, 7806 WEST 17TH STREET, WICHITA commented that Scott Knebel did a great job of framing where the City Council is on the issue. He said the Council's first preference is that they adopt the original Plan that was submitted to them by the Planning Commission with no changes. He said there are some items that the Advance Plans Committee looked at that are relatively innocuous but the one they have some heartburn over is the last sentence on Page 29 – "it is imperative that this revenue stream remain." He said they feel it can be interpreted too many different ways and some might take that as an implication that the formula doesn't change and that the stream remain exactly the way it is. He said the Council would encourage the Commission, at the very least, to strike that last sentence because they believe it is too vague and can be interpreted the wrong way. He said he heard the Commission say they don't want to be involved in funding, and if that is left in the Plan, it could be interpreted that they are suggesting that the revenue stream remain the same. He said the rest of the changes, the City Council could live with because they feel they are pretty innocuous.

WES GALYON, PRESIDENT, BUILDERS ASSOCIATION, 2017 NORTH GLENWOOD COURT, WICHITA said he and the Builders organization are supportive of what Mayor Longwell just said. He said the sales tax distribution is set by State Statute and he does not believe it belongs in the Plan document. He said if the Commission decides collectively to leave it in the Plan, then please remove the last sentence to avoid conflicts on interpretation. He said removing that sentence would provide flexibility in looking at the sales tax or some variation of the sales tax.

GALYON mentioned the comment about privatizing the transit system. He said there has been discussion for a long time about funding the transit system. He said he thinks it needs to be made clear that it could be private or public. He concluded by referencing the word "premier" used in the document. He said that word means totally different things to different people and is subjective. He suggested using a term that can be tied to a scale so it can be quantified.

TODD asked if the word could be left out.

GALYON said he could send over some suggestions. He said he felt there was a better way to describe what the Plan is trying to achieve, something that can be tied to some sort of process or formula.

CHARLES PEASTER, 9453 NORTH 135TH STREET, WEST, SEDGWICK commented that the Advance Plans Committee vote on Item 29 was 5-1. He said State Statute sets who gets what portion of the sales tax revenue. He asked if it was the City's intent to change that revenue flow. He said he thinks the wording makes it pretty plain to him, he doesn't see where it is ambiguous. He said maybe the six (6) members of the Advance Plans Committee can answer his question.

MAYOR LONGWELL said he would like to answer that question.

CHAIR NEUGENT said that would not be part of the public hearing comment but he could respond to the question.

MAYOR LONGWELL said the City is going to pursue those opportunities. He said three (3) counties in the State of Kansas have made that change at the State level. He said the last County, Johnson, made that change to the State funding formula because their population changed dramatically, much like Wichita and Sedgwick County's populations have changed dramatically since 1983 when the formula was first adopted. He said Johnson County found that the formula did not work because of the shift in population. He said the City may very well address the State Legislature and that is why they believe the last sentence needs to be deleted. He said the City wants the same opportunity to go to the State Legislature and get an exemption from that formula mix.

STAN SKELTON, BREG CO-CHAIR, DATA SERVICES AND IT CLUSTER, 3718 NORTH ROCK ROAD, WICHITA referred to correspondence he e-mailed to Commissioners regarding the importance of the broadband initiative and said he was present to answer any questions.

TODD asked if he wanted the strategy included in the Plan.

SKELTON he said he was providing the Commissioners input as to why the strategy should stay in the Plan as recommended by the Advance Plans Committee.

MCKAY asked if the last sentence regarding the sales tax was left in would it impair either governing body from making changes.

CHAIR NEUGENT asked for legal interpretation.

PARNACOTT commented that the County Commission has spoken as to what they want. He said the Planning Commission's role is to consider whether they want to go with that recommendation, the original language, follow the Advance Plans recommendation or go with an alternative recommendation. He said the majority of the County Commission is interested in keeping the language they submitted to the Planning Commission.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY he said from the City's perspective they totally agree with the Mayor's position that any reference to how the sales tax is distributed might create confusion and should be handled at the State level.

MAYOR LONGWELL reiterated that the Council's first recommendation is to pass the Plan originally adopted by the Planning Commission unanimously. He said the second fallback position is that the language regarding the sales tax needs to be changed. He said they do not agree with the language that the Advance Plans Committee is recommending.

DENNIS explained that the reason the Advance Plans Committee left that language in is because there was a referendum not too long ago on a one cent sales tax and they did not want to see the sales tax that they have now eliminated.

MOTION: To approve the Plan with the recommendation of the Advance Plans Committee and take up the language on page 29 separately.

TODD moved, seconded by **DAILEY**.

CHAIR NEUGENT clarified that the language on page 29 would be taken as a separate motion.

DENNIS asked about the use of the word premier.

TODD asked Commission Dennis if he had a suggestion because he didn't have a problem with the word. He said ambiguous words are part of the process.

DENNIS asked if the Plan could be approved with the provision of editing that one word.

The **MOTION WAS AMENDED** subject to changing the word "premier".

JOHNSON asked for clarification of the interpretation of broadband and if it meant public private cooperation.

KNEBEL commented that the Advance Plans Committee didn't recommend that any reference to broadband be changed. He quoted from page 31 of the Plan that said ".....support public and/or private" broadband infrastructure....."

SUBSTITUTE MOTION: To approve the Plan with the recommendation of the Advance Plans Committee, including the recommendation on Page 29 except to strike the last sentence regarding the revenue stream remaining the same.

FOSTER moved, **JOHNSON** seconded the motion.

FOSTER added that he wanted to thank the Advance Plans Committee for making the Commission's job much easier. He said he appreciates their efforts.

RICHARDSON asked about dropping the word premier.

FOSTER commented that when he first read it he thought the sentence didn't read properly without an adjective or descriptive terms. He said he was comfortable leaving the word out.

The **SUBSTITUTE MOTION WAS AMENDED** to delete the word premier.

JOHNSON said he would hate to take it out but he would go along with the amendment.

TODD said he believed the language on page 29 should be considered separately so he would not be supporting the motion.

GOOLSBY commented that some of the members of the Commission served on the Plan Committee since its inception. He said there has been more than 100 hours of public input in meetings over several years to craft the Plan. He said the Plan is a great compromise and is not exactly the Plan he wants but reflects the community as a whole. He said he feels it is inappropriate for governing bodies to make changes when several members of the governing body participated in the meetings. He said he would be voting in favor of the substitute motion.

QUESTION CALLED on the **SUBSTITUTE MOTION**, and it carried (11-2). **ELLISON** and **TODD** – No.

The **SUBSTITUTE MOTION** carried (10-3). **DAILEY, ELLISON** and **TODD** – No.

NON-PUBLIC HEARING ITEMS

9. **Case No.: DER2015-00009** - Request for an Amendment to Section IV-E.7. of the Wichita-Sedgwick County Unified Zoning Code, as amended, regarding minimum lot size and separation requirements for rural home occupations.

Background: On September 6, 2012, the MAPC recommended amendments to the rural home occupation regulations. The recommendations included reducing the minimum lot size for a rural home occupation to two acres and reducing the required separation distance between a rural home occupation and a residence to 40 feet.

On November 21, 2012, the County Commission returned the recommended amendments to the MAPC for reconsideration of the minimum lot size and separation requirements. On March 21, 2013, the MAPC reconsidered the amendments to the rural home occupation regulations and recommended a minimum lot size of five acres and a separation requirement of 120 feet. On April 17, 2013, the County Commission approved the MAPC recommended amendments to the rural home occupation regulations.

During the review process, some County Commissioners expressed support for the minimum lot size and separation requirements originally recommended by MAPC. To that end, Chairman Ranzau has asked to staff to place an item on the MAPC agenda to consider amendments that would reduce the minimum lot size and separation requirements for rural home occupations.

The proposed amendments (attached) would reduce the minimum lot size for a rural home occupation from five acres to two acres by right and from two acres to 20,000 square feet with a Conditional Use. The proposed amendments also would reduce the required separation distance between a rural home occupation and a residence from 120 to 75 feet.

Recommended Action: Set a public hearing for December 17, 2015, to consider the proposed amendments to Section IV-E.7. If desired, direct the Advanced Plans Committee to consider the proposed amendments on December 3, 2015, and prepare a recommendation for the MAPC.

Attachments: Proposed Amendments to Section IV-E.7.

SCOTT KNEBEL, Planning Staff presented Staff Report.

MILLER STEVENS asked if there was a particular case or issue that has brought this to the forefront.

KNEBEL said staff is not aware of any particular case where someone applied to do a rural home occupation on a lot smaller than five acres and was turned down. He added that he did not believe anyone has applied for a conditional use to do a rural home occupation on a lot smaller than five acres either.

MOTION: To set a public hearing for December 17, 2015 and have input from the Advance Plans Committee.

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

FOSTER said the Planning Commission has no clue why this is happening. He said when they are asked to make a change, they want to know why they are making the change. He said there is no background or reason given for doing this. He said he does not support change for changes sake.

KNEBEL replied that staff is bringing the issue to the Planning Commission at the suggestion of the Chairman of the County Commission. He said there was a significant amount of discussion about what is the appropriate lot size when the previous amendment on this issue went before the County Commission. He said the Planning Commission originally recommended two acres and the County Commission increased it to five acres.

CHAIR NEUGENT asked County Counsel if they had any comments.

ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR said this was discussed at a staff meeting. He said Chair Ranzau thought the proposed amendments might be a way to encourage more economic development and use of properties in the unincorporated areas of Sedgwick County. He said this would reduce some of the regulatory requirements on someone who doesn't have five acres. He said this issue came up during a larger discussion on agri-tourism. He said additional amendments may be coming to the Commission concerning agri-tourism.

10. Other Matters/Adjournment

10-1. Discussion of Possible Workshop Dates

DIRECTOR MILLER asked if the Commission wanted to add the Workshop onto a Planning Commission that doesn't have a long agenda or did they want to do the workshop on a separate day altogether.

CHAIR NEUGENT noted that the Commission would like Mr. Parnacott to participate.

PARNACOTT announced that he will be retiring March 25, 2016.

JOHNSON suggested having the Workshop after a regular Planning Commission hearing sometime in January, 2016.

RICHARDSON requested staff send out an e-mail asking for suggestions for the workshop agenda.

MCKAY asked if there is a burning item that needs to be covered. He missed the discussion on having a workshop.

CHAIR NEUGENT commented that the Commission has a lot of new members. She said the Workshop would be based on input from Commissioners as well as what staff feels is appropriate.

DIRECTOR MILLER mentioned ethics and conflicts of interest as some topics.

PARNACOTT suggested the DAB issue also be discussed.

The Metropolitan Area Planning Commission adjourned at 3:25 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, W. Dale Miller, 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.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

STAFF REPORT

CASE NUMBER: SUB2015-00025 – RWANA ESTATES ADDITION (formerly Webb Road Townhome Addition)

OWNER/APPLICANT: Basem Krichati, 1109 South Rock Road, Wichita, KS 67207

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

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

SITE SIZE: 8.71 acres

NUMBER OF LOTS

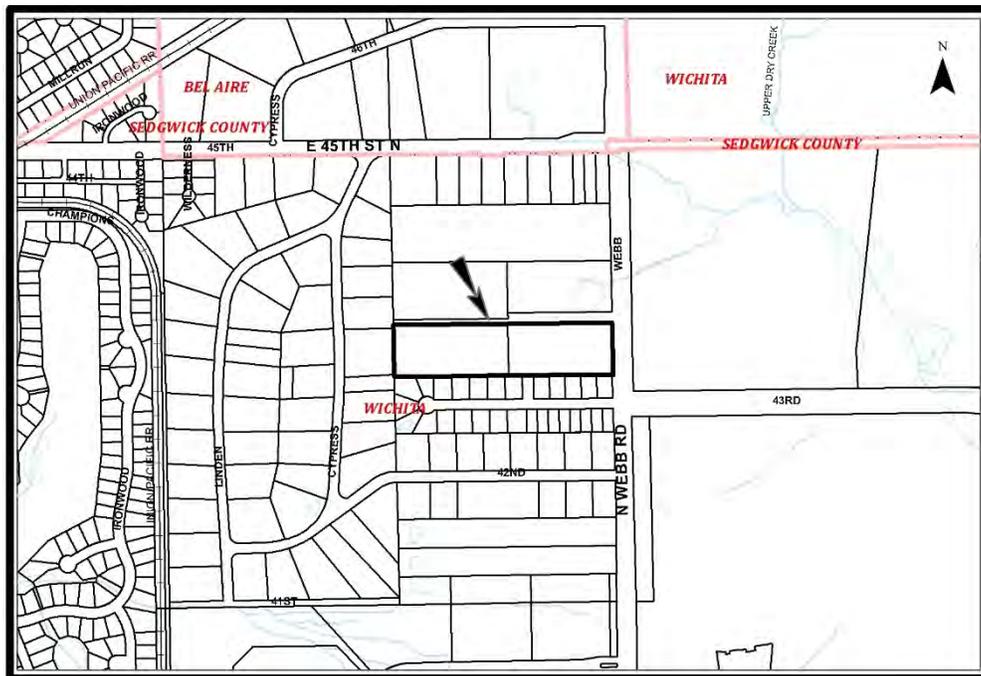
Residential:	29
Office:	
Commercial:	
Industrial:	
Total:	<u>29</u>

MINIMUM LOT AREA: 8,800 square feet

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

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

VICINITY MAP



**SUB2015-00025 – Plat of RWANA ESTATES ADDITION
December 17, 2015 - Page 2**

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

This revised plat has enlarged the lots, reducing the total number of lots from 37 to 29. The street right-of-way has been increased from a narrow street right-of-way to the standard residential street right-of-way.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) and sewer (laterals). In-lieu-of-assessment fees are due on sewer (mains) and water (transmission).
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes complete access control along Webb Road except for one street opening.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. The applicant shall guarantee the paving of the proposed interior street. The paving of Plumthicket needs to extend to connect with the existing Plumthicket pavement in Sand Plum Addition.
- G City Fire Department advises the turnaround must meet the minimum 38-foot paved radius requirement for cul-de-sacs over 150 feet or the current standards at time of construction.
- H. The owner's name will need to be shown under the platlor's text.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. County Surveying advises the existing road right-of-way needs shown with the recording data. The existing road right-of-way along the north line should also show the recording data.
- L. The Applicant has platted a 20-foot building setback which represents an adjustment of the Zoning Code standard of 25 feet for the Two-Family Residential District (TF-3). The

SUB2015-00025 – Plat of RWANA ESTATES ADDITION
December 17, 2015 - Page 3

Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.

- M. GIS requests a new name for 44th St. The street types need added to the road names: “Champions Cir” and “Plumthicket St”.
- N. County Surveying advises the legal description needs corrected to match the deeds.
- O. All parties having interest in the property shall sign the final plat including their spouses.
- P. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- Q. 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.
- R. The year “2016” needs to replace “2015” within the MAPC signature block.
- S. City Environmental Health Division advises that any wells installed on the properties for irrigation purposes will have to be properly permitted and inspected.
- T. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- 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 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.)
- W. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- X. 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.
- Y. 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.

**SUB2015-00025 – Plat of RWANA ESTATES ADDITION
December 17, 2015 - Page 4**

- Z. 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.

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

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

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

STAFF REPORT

CASE NUMBER: SUB2015-00042 – SUNSTONE AT 135TH ADDITION

OWNER/APPLICANT: Sherwood Construction Company, Inc., Attn: David Sherwood, PO Box 9163, Wichita, KS 67277; (contract purchaser) Vantage Point Properties, Inc., Attn: Paul Jackson, 1625 North Parkway, Suite 220, Wichita, KS 67211

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

LOCATION: South of Kellogg, East side of 135th Street West (District IV)

SITE SIZE: 15.02 acres

NUMBER OF LOTS

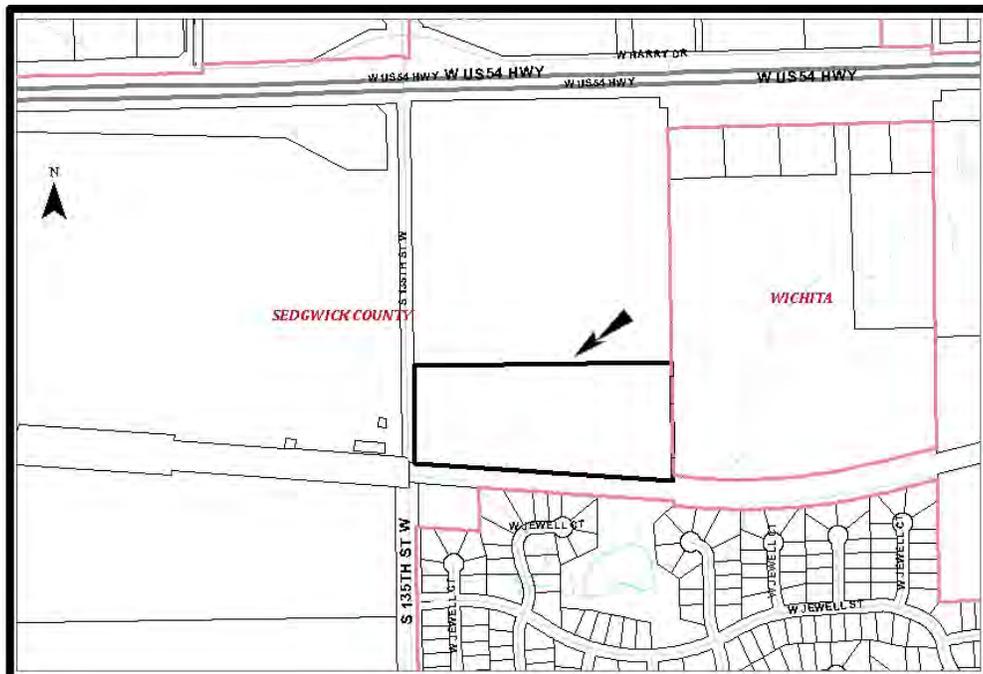
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1

MINIMUM LOT AREA: 13.39 acres

CURRENT ZONING: Single-Family Residential (SF-20)

PROPOSED ZONING: Planned Unit Development (PUD)

VICINITY MAP



**SUB2015-00042 -- Plat of SUNSTONE AT 135TH ADDITION
December 17, 2015 - Page 2**

NOTE: This unplatted site is located in the County adjoining Wichita's boundary. The site was approved for a zone change (PUD2015-00004) from Single-Family Residential (SF-20) to Planned Unit Development (PUD-47).

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- C. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- D. City of Wichita Public Works and Utilities Department requests a petition for extension of water (transmission and distribution) and extension of sewer (mains and laterals).
- E. The plat's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- F. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- G. City Stormwater Management has approved the applicant's drainage plan.
- H. Traffic Engineering has approved the access controls. The plat proposes two openings along 135th Street West in accordance with the PUD site plan.
- I. The MAPC signature block needs to reference "Dale Miller – Secretary".
- J. The year "2016" needs to replace "2015" within the City Council and Register of Deeds signature blocks.
- K. The plat's text shall reference "A lot, block, reserve and street".
- L. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- M. 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.
- N. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Sunstone at 135th Planned Unit Development PUD2015-00004.
- O. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service

SUB2015-00042 -- Plat of SUNSTONE AT 135TH ADDITION
December 17, 2015 - Page 3

and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

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

STAFF REPORT

CASE NUMBER: SUB2015-00043 – KALB ADDITION

OWNER/APPLICANT: Kenny and Shannon Kalb, 9512 West Moss Rose Street, Maize, KS 67101

SURVEYOR/AGENT: Kaw Valley Engineering, Attn: Tim Austin, 200 North Emporia, Suite 100, Wichita, KS 67202

LOCATION: North of 13th Street North, on the East side of 167th Street West (County District III)

SITE SIZE: 80 acres

NUMBER OF LOTS

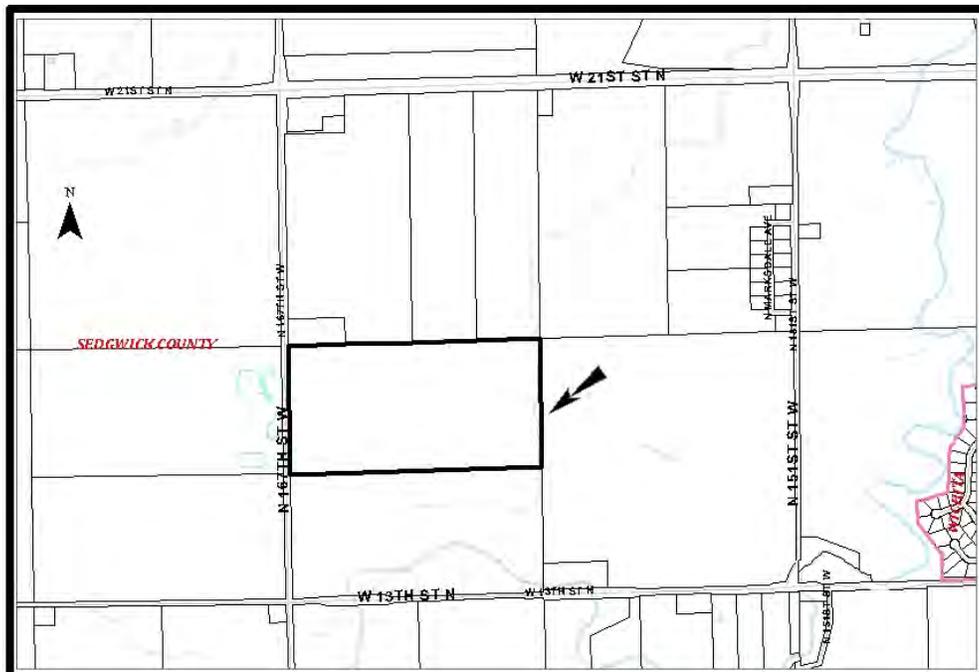
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1

MINIMUM LOT AREA: 80 acres

CURRENT ZONING: Rural Residential (RR)

PROPOSED ZONING: Same

VICINITY MAP



**SUB2015-00043 -- Plat of KALB ADDITION
December 17, 2015 - Page 2**

NOTE: This unplatted site is located in the County within three miles of the City of Wichita. It is in an area designated as "Wichita Growth Area" by the Community Investments Plan 2015-2035. The applicant proposes a conditional use (CON2015-00036) for agricultural sales and services.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. City of Wichita Public Works and Utilities Department has requested a No Protest Agreement for future extension of sanitary sewer and water.
- C. The signature block for the Board of Commissioners Chairman should be revised to read underneath the signature line, "Richard Ranzau, Fourth District"
- D. The plattor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- E. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- F. The plat denotes two openings along 167th Street West. County Engineering requests the access controls be labelled as "Per access management standards". Applicant is advised coordination with existing pipeline owner may be necessary for a second entrance.
- G. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- H. The Reserve shall be labelled as Reserve A.
- I. County Stormwater has received a preliminary drainage plan. County Stormwater is requesting the required detention reserve be shown on the plat.
- J. The plat needs a lot and block number denoted.
- K. In the plattor's text, City Engineer needs to be changed to County Engineer.
- L. County Surveying advises the need for a property corner set or found at the southwest corner of the plat.
- M. The applicant is advised that due to encroachment of a portion of the proposed K-96/Northwest Bypass on this plat, the property is subject to meeting the requirements of the Corridor Preservation Plan Overlay District (CP-O) prior to the issuance of any building permits. KDOT has advised that the final design for the future right-of-way will require an expansion of the Reserve.
- N. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.

SUB2015-00043 -- Plat of KALB ADDITION
December 17, 2015 - Page 3

- 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 year "2016" needs to replace "2015" within the City Council and Register of Deeds signature blocks.
- Q. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- R. 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.
- S. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- T. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- U. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- V. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- W. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Westar Energy advises of a transmission line located inside the platted area along the north property line. The plat has been forwarded to the Transmission Engineering Department for any comments they may have for the applicant. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

SUB2015-00043 -- Plat of KALB ADDITION
December 17, 2015 - Page 4

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

SUB2015-00045 -- Plat of HIEGER EAST 2ND ADDITION
December 17, 2015 - Page 2

NOTE: This site is located in the County in an area designated as “Andale urban growth area” by the Community Investments Plan 2015-2035.

STAFF COMMENTS:

- A. 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 water wells. A memorandum shall be obtained specifying approval.
- B. The plat proposes connection to City of Andale’s sanitary sewer in accordance with that city’s standards. A letter of confirmation shall be provided from Andale.
- C. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- D. The plat proposes three openings along 61st Street North. County Engineering has approved the access controls subject to a letter from Andale approving the access controls.
- E. County Stormwater advises the drainage plan is approved contingent on revisions.
- F. County Stormwater requires limitations on impervious area and has requested language on the plat’s text. A restrictive covenant regarding water quality requirements should also be filed and referenced in the plat’s text. County Stormwater will work with the applicant’s engineer on the covenant. A stormwater permit and a Notice of Intent are needed.
- G. A restrictive covenant shall be submitted regarding the reserves, which sets forth ownership and maintenance responsibilities of the private drives.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners’ association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. 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.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

SUB2015-00045 -- Plat of HIEGER EAST 2ND ADDITION
December 17, 2015 - Page 3

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

STAFF REPORT

CASE NUMBER: SUB2015-00046 – HARRY’S LANDING ADDITION

OWNER/APPLICANT: Basem Krichati, 1109 South Rock Road, Wichita, KS 67207

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

LOCATION: East of Rock, on the North side of Harry (District II)

SITE SIZE: 4.73 acres

NUMBER OF LOTS

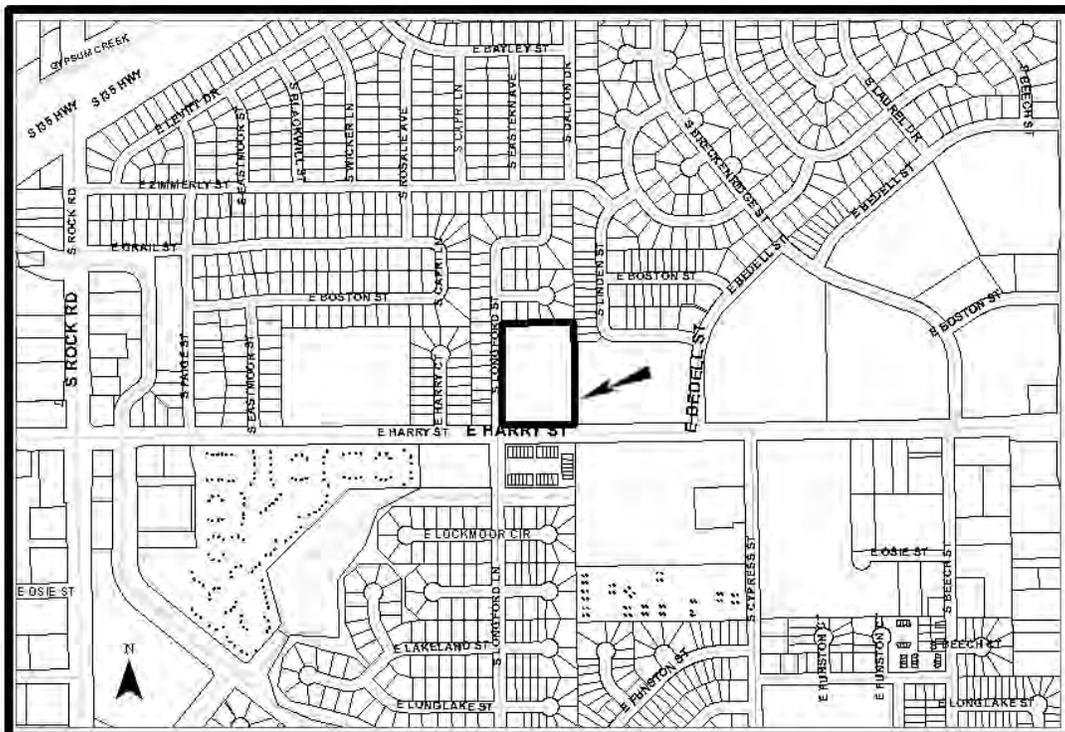
Residential:	24
Office:	
Commercial:	
Industrial:	—
Total:	24

MINIMUM LOT AREA: 5,900 square feet

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

PROPOSED ZONING: Planned Unit Development (PUD)

VICINITY MAP



**SUB2015-00046 -- Plat of HARRY'S LANDING ADDITION
December 17, 2015 - Page 2**

NOTE: This is an unplatted site located within the City. The property was approved for a zone change to Planned Unit Development (PUD2008-00008), Moussavi Office Park (PUD #29). The plat proposes lots for single-family residential units with the exception of office uses for Lots 1 and 17.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests a petition for extension of sewer (laterals) on all lots and extension of water (distribution) for Lots 1-17. In-lieu-of-assessment fees for water (distribution) is needed for Lots 18-24 and Reserve "A". Water meters at 8724 and 8728 East Harry need to be terminated and removed by the City of Wichita.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes one street opening along Harry and complete access control along the Harry street frontage.
- E. City Fire Department advises the turnaround must meet the minimum 38-foot paved radius requirement for cul-de-sacs over 150 feet or the current standards at time of construction. City Public Works requests a three-foot utility easement around the cul-de-sac.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- G. The Applicant shall guarantee the paving of the proposed street.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. 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.
- J. The property is subject to PUD2008-00008 Moussavi Office Park Development. A PUD revision is needed to coincide with the plat in regards to parcel boundaries and setbacks.
- K. 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.
- L. A PUD Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PUD and its special conditions for development on this property.

**SUB2015-00046 -- Plat of HARRY'S LANDING ADDITION
December 17, 2015 - Page 3**

- M. GIS has approved the plat's street names.
- N. The owner's company name will need to be shown under the plattor's text.
- O. County Surveying advises the final plat shall show the distance and direction to the monuments used to locate the land described in the certificate of survey.
- P. All parties having interest in the property shall sign the final plat including their spouses.
- 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 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.)
- U. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- V. 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.
- W. 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.
- X. 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.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

SUB2015-00046 -- Plat of HARRY'S LANDING ADDITION
December 17, 2015 - Page 4

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

STAFF REPORT

CASE NUMBER: VAC2015-00038 - City request to vacate a portion of platted public street right-of-way

OWNER/AGENT: Sienna Lakes #2 LLC, C/O Jay Russell Ruggles & Bohm, P.A., c/o Chris Bohm (agent)

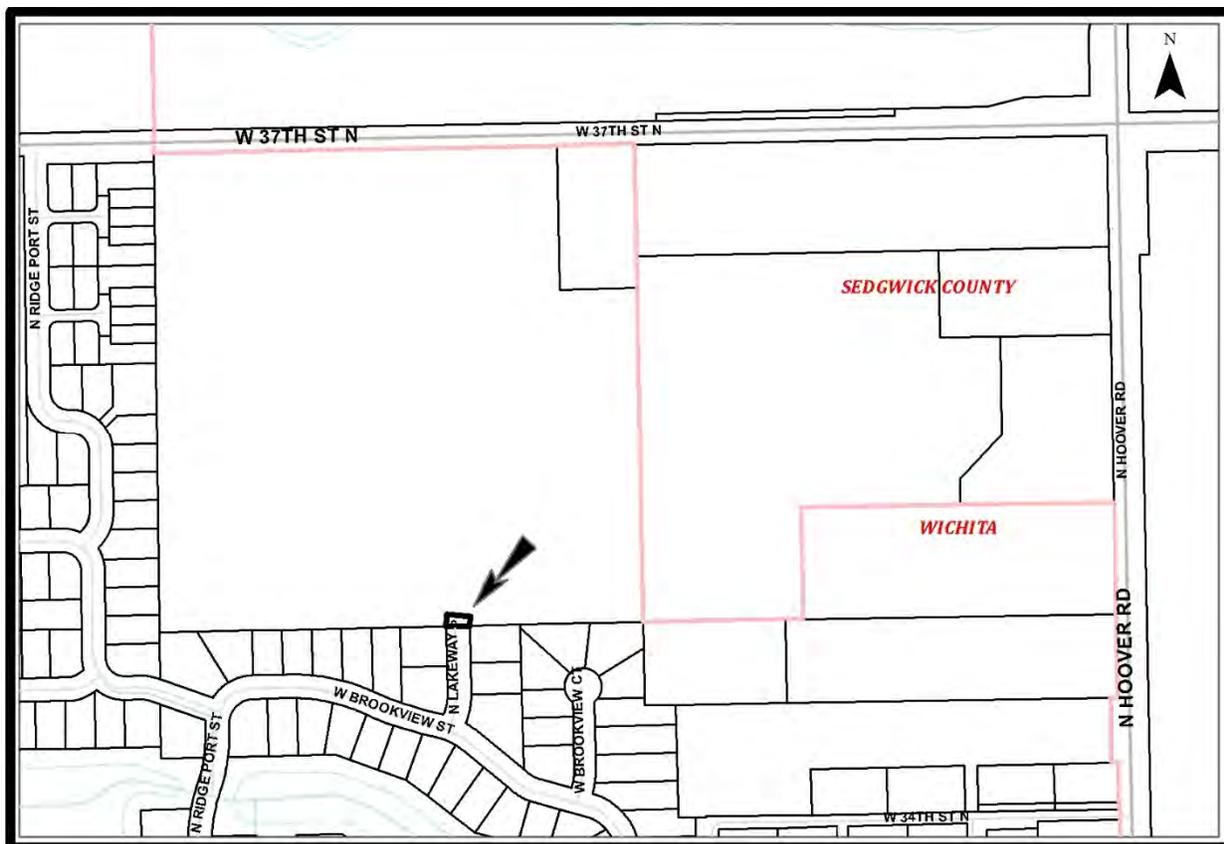
LEGAL DESCRIPTION: Generally described as vacating a south portion of the platted Lakeway Street public right-of-way, located between Lot 75, Block 1, & Lot 44, Block 2, all in the Siena Lakes Addition, and ending at the abutting portion of Lakeway Street located in the Ridge Port North 4th Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 37th Street North and west of Hoover Road (WCC #V)

REASON FOR REQUEST: Reduce traffic through the south abutting properties

CURRENT ZONING: The site is public street right-of-way. All abutting and adjacent properties are zoned SF-5 Single-Family Residential or TF-3 Two-Family Residential

VICINITY MAP:



The owner/applicant of the Siena Lakes Addition propose to vacate the south approximately 34-25 feet of the 64-foot wide unimproved Lakeway Street public right-of-way, located between Lot 75, Block 1, & Lot 44, Block 2, all in the north, Siena Lakes Addition and ending at the abutting portion of Lakeway Street public right-of-way located in the Ridge Port North 4th Addition. The vacation request is supported by the property owners located in the south abutting Ridge Port North 4th Addition. The portion of Lakeway Street located in the Ridge Port North 4th Addition is a paved residential street that currently dead-ends, although there is a platted temporary cul-de-sac at its current termination that would cease to be upon the paving/improvements to Lakeway Street into the Siena Lakes Addition. The Siena Lakes Addition site is the only low to moderate density residential subdivision located between 37th Street North – 29th Street North – Hoover Road – Ridge Road that has TF-3 Two-Family Residential zoning. ZON2015-00026, rezoned approximately 20 lots out of approximately 119 lots located in the Siena Lakes Addition. The TF-3 zoned properties are separated from the south abutting Ridge Port North 4th Addition by SF-5 zoned lots located along the south-most Lakeway Court. All of the properties abutting the proposed vacated right-of-way are owned by the applicant. The proposed vacation does not deny access to public streets for any abutting or adjacent properties.

However, if the vacation is approved the Siena Lakes Addition would be the only low to moderate density residential subdivision located between 37th Street North – 29th Street North – Hoover Road – Ridge Road that would have one way in and out of it, that being its platted connection to the arterial 37th Street North. In reference to the supporters of the vacation request, per the plat^{or}'s text Reserve M, Siena Lakes Addition is not a contingent dedication of street right-of-way. Per the plat^{or}'s text Reserve M for is irrigation, walls, public sidewalks, landscaping, signage, gazebos, playground equipment, berms, drainage, drainage structures, and utilities confined to easements. Per the plat^{or}'s text Reserve M is a continguous dedication for public use and become effective when the City of Wichita determines a need for such a dedication.

The described area is connected as follows:

- The west abutting SF-5 zoned Ridge Port North 5th Addition (recorded January 8, 2003) has two ways in and out of it: (a) North from the residential Ridge Port Street to the arterial 37th Street North, and; (b) The residential intersection of Brookview and Ridge Port Streets, which connects Ridge Port North 5th Addition to the south abutting Ridge Port North 4th Addition. If the vacation is approved the Ridge Port North 5th Addition would continue to provide the only access to 37th Street North for the abutting and adjacent south single-family residential development located on the north side of 29th Street North. Staff has received a phone call protesting the vacation.
- The south abutting Ridge Port North 4th Addition (recorded August 8, 2001) has five ways in and out of it, but would have four if the described portion of Lakeview Street is vacated: (a) The above noted residential intersection of Brookview and Ridge Port Streets, which continues north through the Ridge Port North 5th Addition to the arterial 37th Street North; (b) The Ridge Port Street and 34th Street North residential intersection, which continues west along the north side of the Ridge Port North 3rd Addition (recorded February 13, 2001) to the 34th Street North intersection with the arterial Ridge Road. This is the only east-west connection to an arterial in the described area; (c) The intersections of the residential Hazelwood and Northwind Streets, in the Ridge Port 3rd Addition and (d) The Northwind Street and North Shore Boulevard intersection, where North Shore Boulevard continues south through the Ridge Port Addition (recorded June 8, 1998) to the arterial 29th Street North. There are numerous residence living in the south abutting Ridge Port North 4th Addition who have protested the staff recommending denial of the vacation request.

Besides disconnecting the Siena Lakes Addition from their neighbors there may be disruptions to the area's planned/platted circulation in regards to school buses, trash service, and similar services, making them less effective. The application to vacate is a result of the protests at the August 10, 2015, DAB V meeting to the TF-3 zoning case, ZON2015-00026, from the abutting south subdivision.

The applicant has provided a proposed dedication of a 64-foot wide easement for landscaping, sidewalks, public utilities, drainage, drainage structures and emergency access with gates or bollards. If approved the easement needs to be a reserve with a restrictive covenant binding and tying the ownership and maintenance of the reserve to the Home Owners Associations located in the Ridge Port North 4th Addition. All gates and bollards located in the reserve must be constructed to Fire, Police, Emergency Service and similar agencies standards. Fire, Police, Emergency Service, utilities and similar agencies will not be liable for damage gates or bollards as a result to their right of access. There are utilities are located in the described right-of-way. The Siena Lakes Addition was recorded with the Register of Deeds August 19, 2015.

NOTE: VAC2015-38 was advertised for the October 1, 2015 MAPC meeting and scheduled for the September 24, 2015, SD Committee meeting. The applicant requested a two-week deferral, to the October 8, 2015, SD meeting and October 15, MAPC meeting. The request was deferred a second time at the October 8, 2015, SD meeting to today's October 29, 2015 meeting. The latest deferral moved the case to the November 12, 2015, SD meeting and the November 19, 2015, MAPC meeting. The request was deferred at the November 19, 2015, MAPC meeting to today's December 17, 2015 meeting.

District Advisory Board V (DAB V) considered VAC2015-00038 at their December 7, 2015 meeting and recommended approval (5-2) that the subject right-of-way be vacated. DAB V did not include conditions of approval in their recommendation; DAB V had today's MAPC's report, minus the just noted December 7, 2015, DAB V participation.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff recommends denial of the request.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 10, 2015, which was at least 20 days prior to this public hearing.
 2. That private rights will be injured or endangered by vacating the described platted street right-of-way and that the public will suffer loss or inconvenience thereby.
 3. The petition ought to be denied.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends denial:

However, if the MAPC approves the request, Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted Lakeway Street public right-of-way.

- (1) Dedicate a reserve by separate instrument with original signatures for landscaping, sidewalks, all utilities, including drainage, drainage structures and emergency access with gates or bollards. All gates and bollards must be constructed to Fire, Police, Emergency Service, utilities and similar agencies standards. Fire, Police, Emergency Service, utilities and similar agencies will not be liable for damage gates or bollards as a result to their right of access. The Home Owners Associations located in the Siena Lakes Addition will own and be responsible for maintaining the reserve. The approved original dedication must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Dedicate utility easement(s) by separate instrument with original signatures for all utilities located within the required reserve. . The approved original dedication must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds
- (3) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants, at the applicants' expense and shall be to City Standards. Provide any needed plans for review and approval to all utilities as needed. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds. Approval of plans by franchised utilities must be provided to staff prior to the case going to City Council for final action.
- (4) Provide original restrictive covenant binding and tying the vacated portion of the vacated street right-of-way as a reserve to the Home Owners Associations located in the Siena Lakes Addition. The restrictive covenant will also establish that the Home Owners Associations located in the Siena Lakes Addition will own and be responsible for maintaining the reserve. These must be provided to Planning prior to the case going to the City Council and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Laura Rainwater
SUBJECT: VAC2015-038
DATE: December 8, 2015

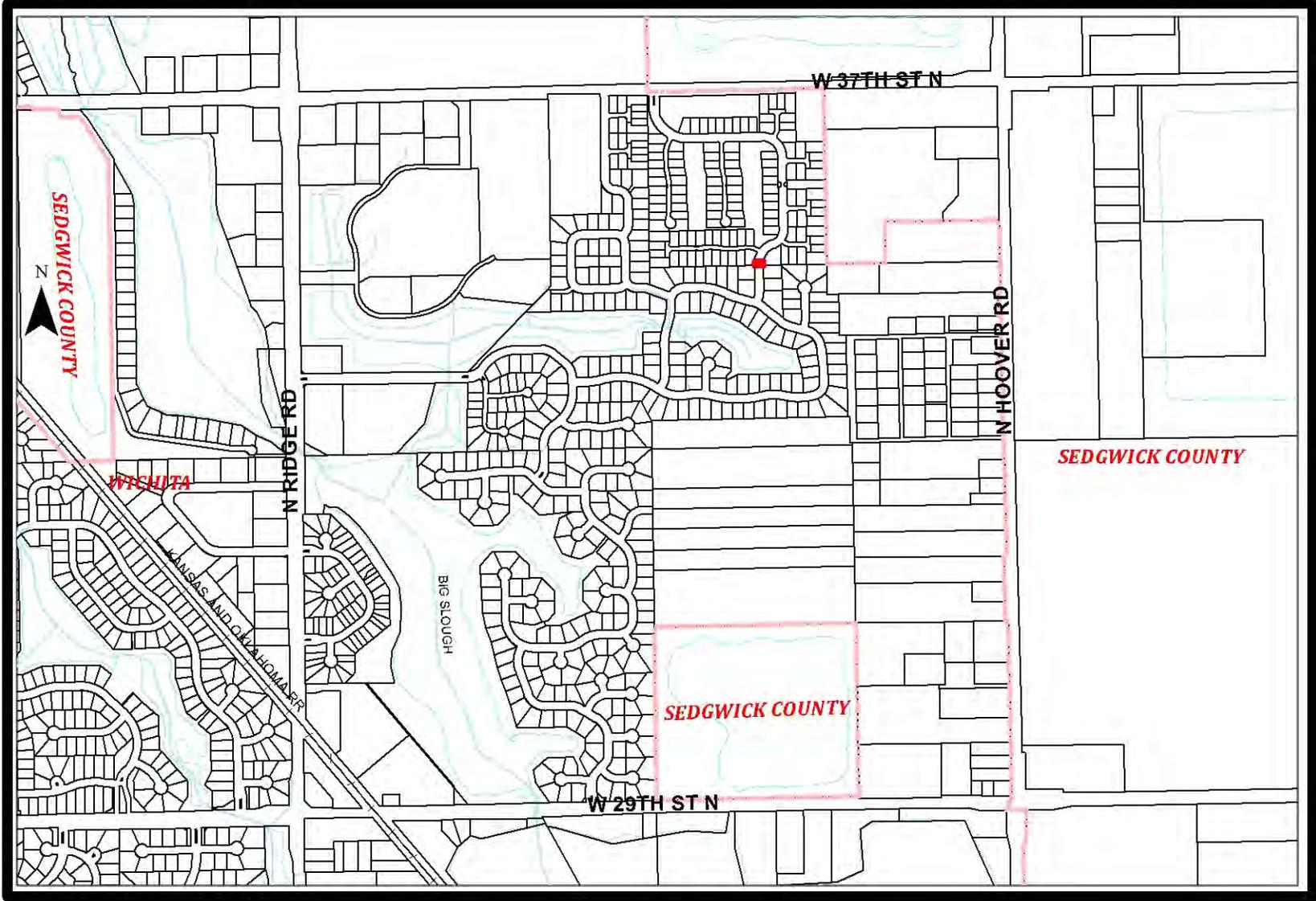
Dale Miller, Metropolitan Area Planning Department, presented the request. City request to vacate a portion of platted public street right-of-way generally described as vacating a south portion of the platted Lakeway Street public right-of-way, located between Lot 75, Block 1, & Lot 44, Block 2, all in the Siena Lakes Addition, and ending at the abutting portion of Lakeway Street located in the Ridge Port North 4th Addition, Wichita, Sedgwick County, Kansas.

- Jay Russell, Siena Lakes Developer, and Greg Farris, representing the Ridge Port neighborhood, voiced their support for the vacation. They presented a petition with 100 signatures of neighborhood property owners in favor of the vacation. Russell provided eight cases around the city which have been granted vacations. Russell stated that he had an agreement with the neighborhood that if he got the zoning change approved for duplexes, he would agree to closure of Lakeway St. and build single-family residences on four lots adjacent to the Ridge Port neighborhood.
- Home owner, Nate Byer, stated it was not impeding traffic flow by closing the road. It's keeping traffic flow the way it is today.
- Gary Janzen, Assistant Public Works Director, stated that Staff will not support granting the vacation. It sets a bad precedent for future development in the area.
- Battalion Chief, Stu Bevis, stated Fire code requires two access points. One can be controlled access. According to Fire Department code, there is no violation.

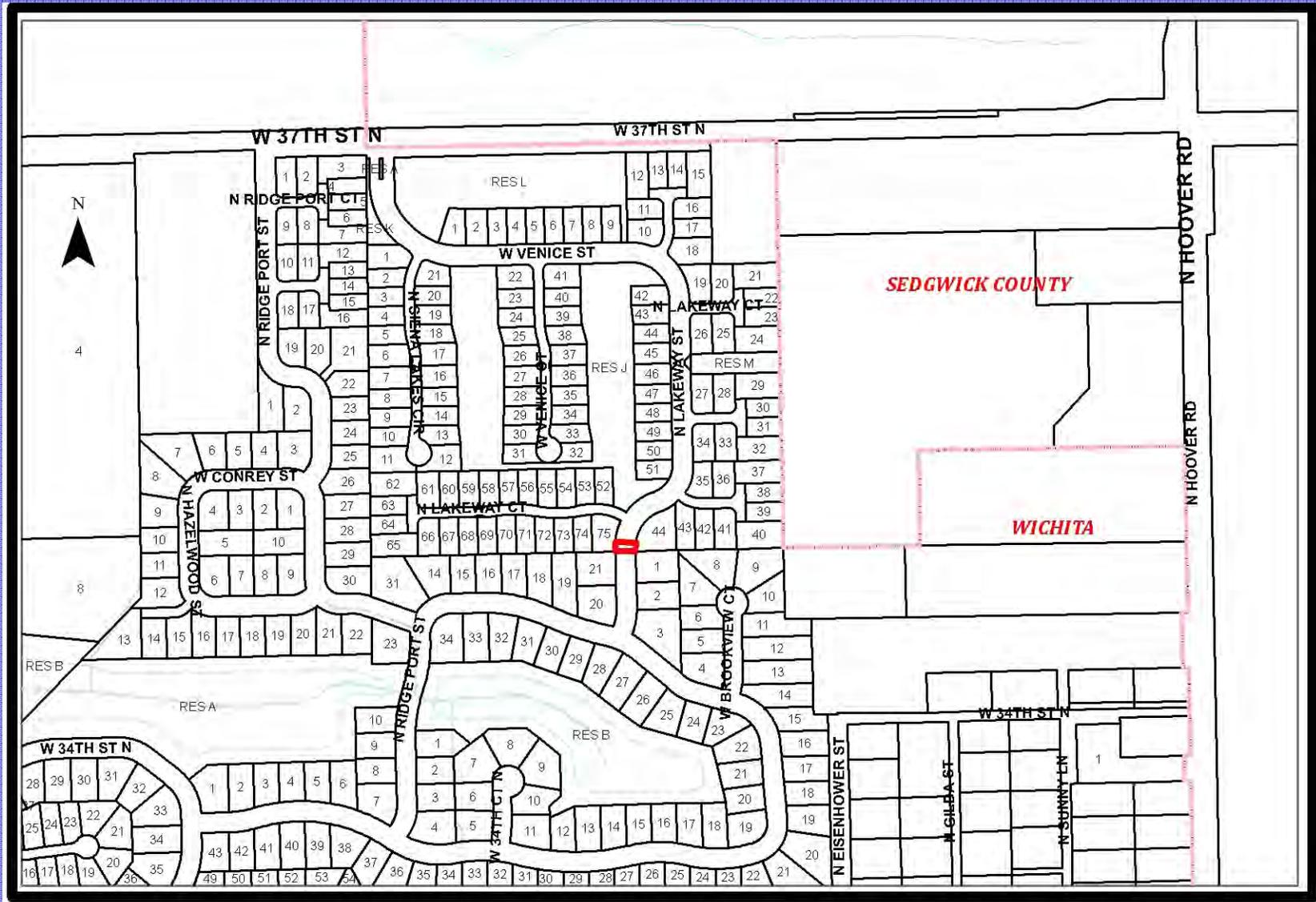
Action Taken:

- **Greene** made a motion to deny vacation request. There was no second.
- **Johnston** made a motion to go against staff recommendation and support the vacation request. **Bradley** seconded the motion. **Motion passed 5-2.**

VAC2015-38



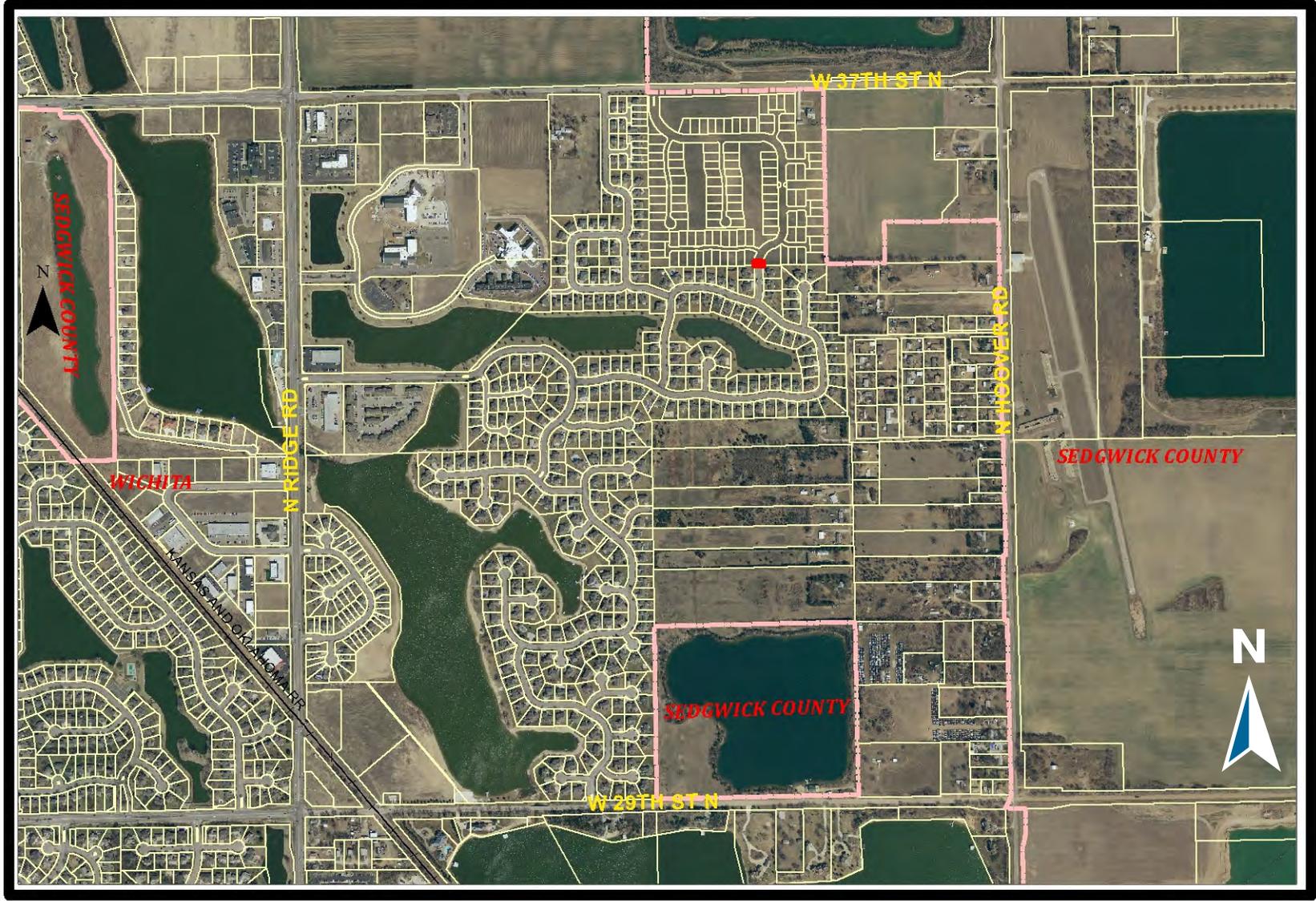
VAC2015-38



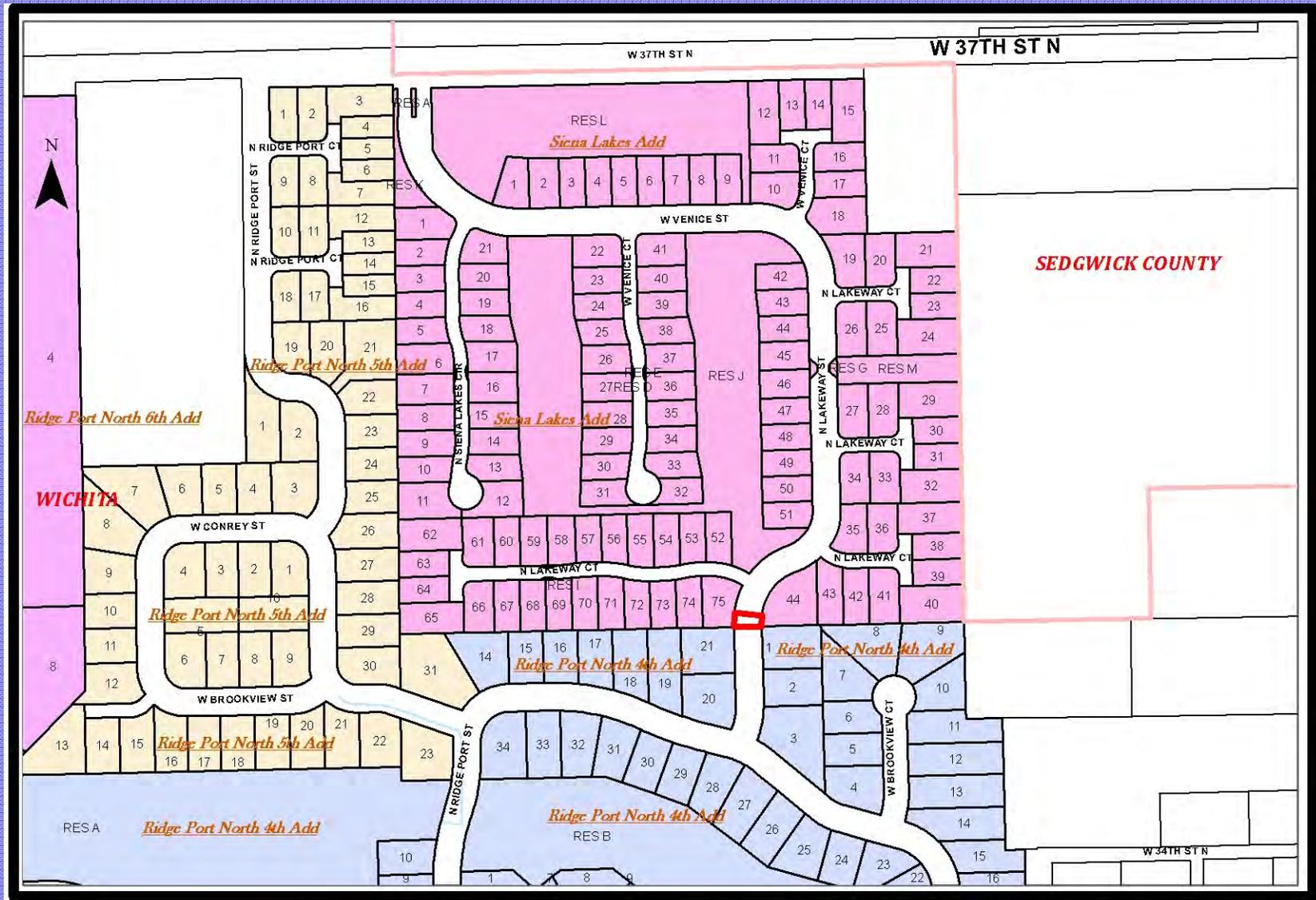
VAC2015-38



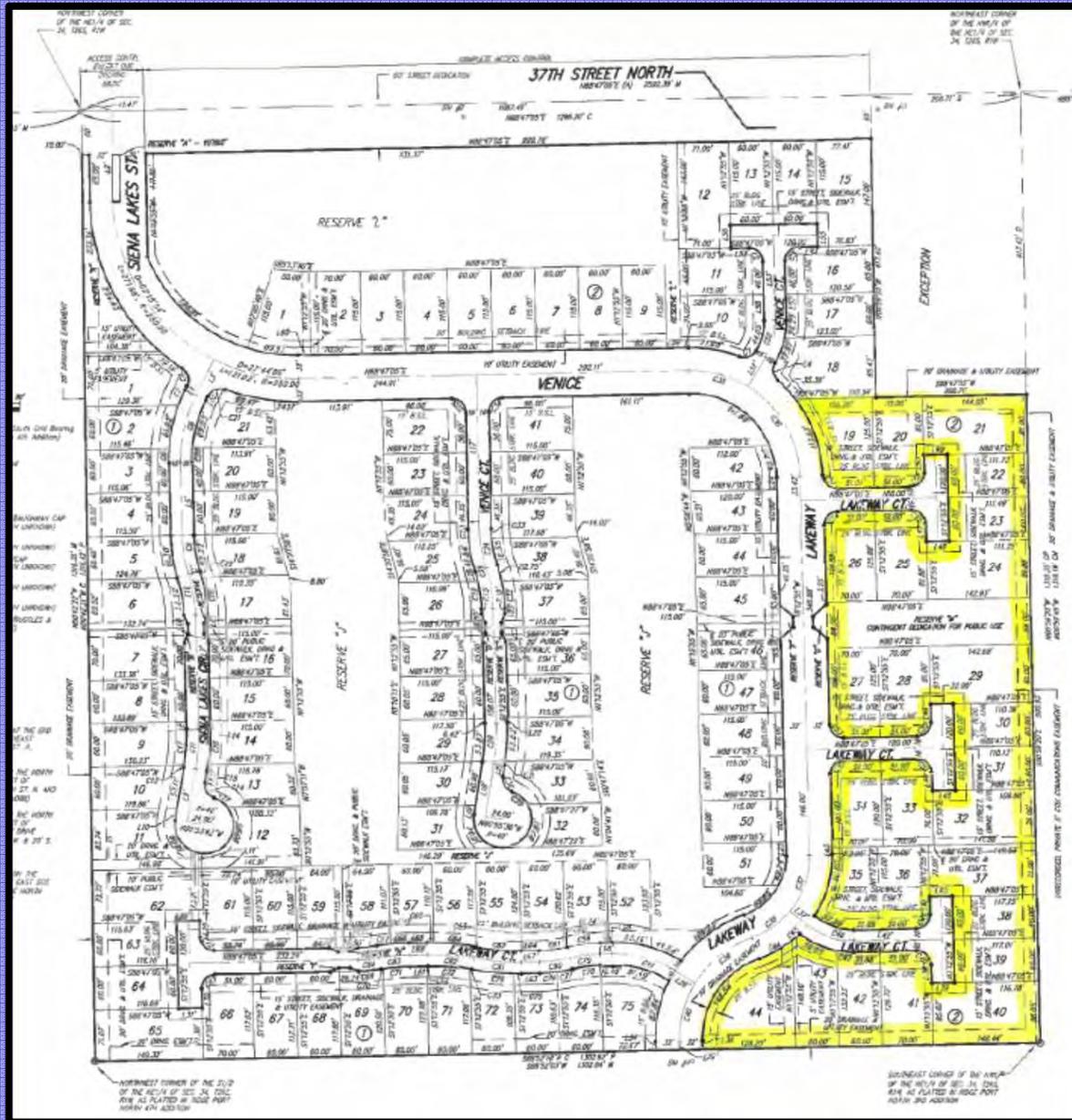
VAC2015-38



VAC2015-38



VAC2015-38



STAFF REPORT

CASE NUMBER: VAC2015-00054 - City request to vacate a portion of a platted access control

OWNER/APPLICANT/AGENT: R & B Webb Road, c/o Steve Blasdel & Triple J of Wichita LLC (owners/applicants) Kaw Valley Engineering, Inc., c/o Scott Servis (agent)

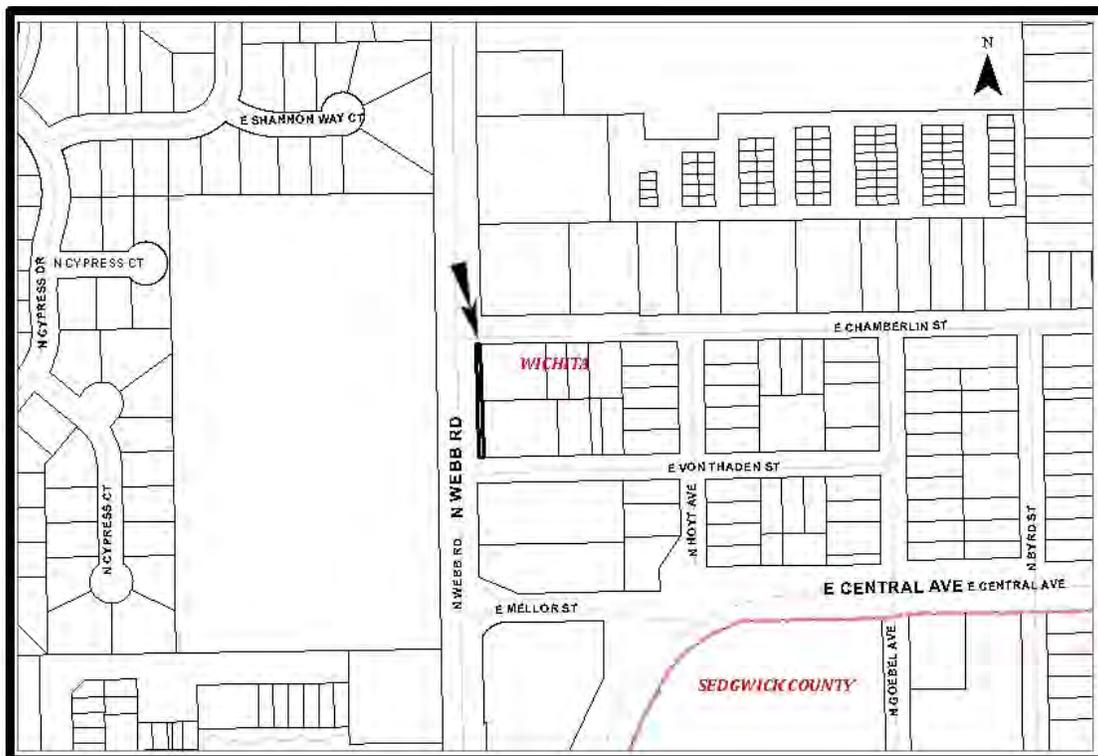
LEGAL DESCRIPTION: Generally described as vacating the platted complete access control located on the north 80 feet and the south 80 feet of the west property line of Lot 1, Travel Air City 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Central Avenue, on the east side of Webb Road, between Chamberlin and Von Thaden Streets (660 N Webb Road) WCC #II

REASON FOR REQUEST: To allow two drives onto Webb Road Associated with commercial lot split LSP2015-00036

CURRENT ZONING: The site and the adjacent north properties are zoned GC General Commercial. The abutting east and adjacent west properties are zoned SF-5 Single-Family Residential. The adjacent south property is zoned LI Limited Industrial.

VICINITY MAP:



The applicants propose to vacate the platted complete access control located on the north 80 feet and the south 80 feet of the west property line of Lot 1, Travel Air City 2nd Addition, to allow a total of two drives onto Webb Road. Currently the subject lot is allowed one drive in the middle 100-feet of its Webb Road frontage located between the north 80 feet and the south 80 feet of its Webb Road frontage. LSP2015-00036, is a commercial lot split that divides the subject lot into two parcels, with two different owners. The applicants' site plan shows the north parcel's building being located on its south end, where a common drive would have been located, per platted access control. The applicants propose to dedicate complete access control in the middle 100 feet of its Webb Road frontage to allow each parcel its drive.

Webb Road has four-lanes at this location. The USD-259's Minneha Elementary School is located west of the site across Webb Road. The school site, Minneha Elementary School Addition, is permitted four drives onto Webb Road, none of which are located across from the subject site's Webb frontage. There is a signaled school crossing going from the subject site to Minneha Elementary School, which is a consideration in the proposed relocated drives. The closest drive north of the site is located approximately 95 feet away, separated from the subject area by Chamberlin Street. The closest drive south of the site is located approximately 190 feet away, separated from the subject area by Von Thaden Street.

The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. There does not appear to be public utilities in the area of the vacation. There are utility poles located in the area of the vacation. The installation of the drives may require the relocation of utility poles at the applicant's expense. Westar has equipment in an easement in the area of the vacation, but it should not be affected by the request; condition #2 will cover that equipment. Becky Thompson, is the Construction Services Representative for this area is working with the applicant on this project. She can be reached at 316/261-6320. There are at least three curb cuts from previous development on the subject site that will need to be reconstructed to a full curb, at the applicants' expense. The Travel Air City 2nd Addition was recorded with the Register of Deeds May 20, 2015.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 25, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Per the approval of the Traffic Engineer, vacate the platted access control on Lot 1, Travel Air City 2nd Addition to allow one drive for each of the two parcels created by commercial lot split LSP2015-00036. Provide a dedication of access control allowing a total of two drives with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.
- (2) The applicant must improve the lighting on the signaled school crossing going from the subject site across Webb Road to Minneha Elementary School, at their own expense, as approved by the Traffic Engineer. The lighting must be approved prior to the case going to City Council for final action.
- (3) Any relocation or reconstruction of utilities, including, but not limited to, Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including the reconstruction of a full curb closing curb cuts from previous development on the subject site.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate the platted access control on Lot 1, Travel Air City 2nd Addition to allow one drive for each of the two parcels created by commercial lot split LSP2015-00036. Provide a dedication of access control allowing a total of two drives with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.
- (2) The applicant must improve the lighting on the signaled school crossing going from the subject site across Webb Road to Minneha Elementary School, at their own expense, as approved by the Traffic Engineer. The lighting must be approved prior to the case going to City Council for final action.
- (3) Any relocation or reconstruction of utilities, including, but not limited to, Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide

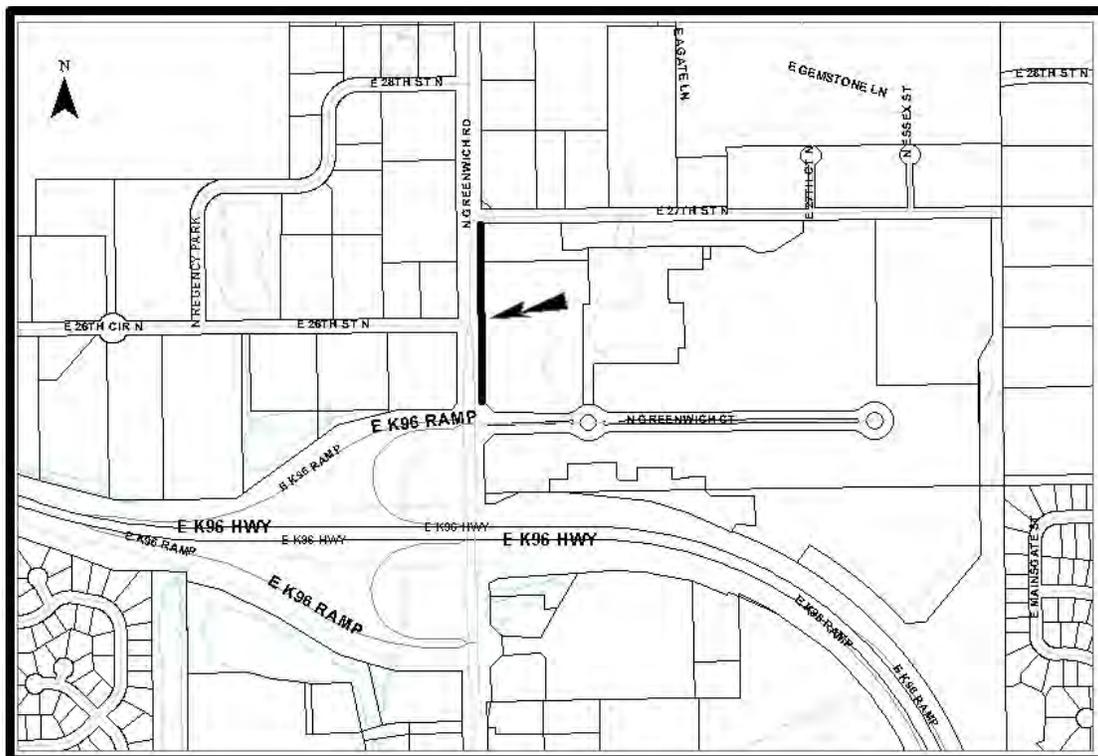
all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to City Council for final action.

- (4) All improvements shall be according to City Standards and at the applicant's expense, including the reconstruction of a full curb closing curb cuts from previous development on the subject site.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

- CASE NUMBER:** VAC2015-00055 - City request to vacate a portion of a platted access control
- OWNER/APPLICANT/AGENT:** Wichita Destination Developers, Inc. (owner/applicant) KE Miller Engineering, PA, c/o Kirk Miller (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the south 353.86 feet of platted complete access control located north of Greenwich Court of the west property line of Lot 1, Wichita Destination Development Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the southeast side of Greenwich Road and 27th Street North (2746 N. Greenwich Court) WCC #II
- REASON FOR REQUEST:** Allowing an additional right-in – right-out drive
- CURRENT ZONING:** The site, abutting south and adjacent west properties are zoned LI Limited Industrial. Abutting south properties are zoned LI and SF-5 Single-Family Residential. Abutting north properties are zoned LI and LC Limited Commercial.

VICINITY MAP:



The applicant proposes to vacate a portion of the south 353.86 feet of platted complete access control located north of Greenwich Court of the west property line of Lot 1, Wichita Destination Development Addition. Currently the subject lot is allowed one platted full movement drive onto Greenwich Road, located between Greenwich Court and 27th Street North; the applicant proposes to keep the platted drive. The applicant proposes a right-in – right-out drive located 178.44 feet north of Greenwich Court and 125.42 feet south of the permitted full movement drive. 27th Street North is located approximately 740 feet north of the site. A portion of the K-96-Greenwich Road interchange is located approximately 180 feet south of the proposed drive.

Greenwich Road has four-lanes at this location, with a full curbed landscaped median located directly across from the proposed right-in – right-out drive. The full curbed landscaped median would allow only a right-in – right-out drive and prevents conflict with the traffic entering and exiting the properties located west of the site, across Greenwich Road.

The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. Stormwater inlets and line appear to be in the area of the vacation. There are utility poles and Westar equipment located in the area of the vacation. The installation of the drives may require the relocation of utility poles at the applicant’s expense. Westar has equipment in an easement in the area of the vacation, but it should not be affected by the request; condition #2 will cover that equipment. Becky Thompson, is the Construction Services Representative for this area is working with the applicant on this project. She can be reached at 316/261-6320. There is a curb cut in the area of the vacation, that will need to be reconstructed to a full curb, at the applicants; expense. The Wichita Destination Development Addition was recorded with the Register of Deeds October 19, 2013.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 25, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Per the approval of the Traffic Engineer, vacate a portion of the south 353.86 feet of platted complete access

control located north of Greenwich Court of the west property line of Lot 1, Wichita Destination Development Addition to allow one right-in – right-out drive onto Greenwich Road. Provide a dedication of access control allowing the drive with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.

- (2) If the full curbed landscaped median does not extend to the approved additional drive, the applicant will provide a private project plan to extend the full curbed landscaped median to the approved additional drive to ensure that it functions as a right-in – right-out drive. The private project will include a sign stating that the drive is a right-in – right-out drive. The private project must be approved by Public Works prior to the case going to City Council for final action.
- (3) Any relocation or reconstruction of utilities, including, but not limited to, Stormwater and Westar’s equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants’ expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant’s expense, including the reconstruction of a full curb closing the existing curb cut on the subject site.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate a portion of the south 353.86 feet of platted complete access control located north of Greenwich Court of the west property line of Lot 1, Wichita Destination Development Addition to allow one right-in – right-out drive onto Greenwich Road. Provide a dedication of access control allowing the drive with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.
- (2) If the full curbed landscaped median does not extend to the approved additional drive, the applicant will provide a private project plan to extend the full curbed landscaped median to the approved additional drive to ensure that it functions as a right-in – right-out drive. The private project will include a sign stating that the drive is a right-in – right-out drive. The private project must be approved by Public Works prior to the case going to City Council for final action

- (3) Any relocation or reconstruction of utilities, including, but not limited to, Stormwater and Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including the reconstruction of a full curb closing the existing curb cut on the subject site.
- (5) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

CASE NUMBER: VAC2015-00056 - Request to vacate a portion of a platted fire lane easement

OWNER/AGENT: Ruffin Hotel of Wichita LLC (owner) KE Miller Engineering PA, c/o Kirk Miller (agent)

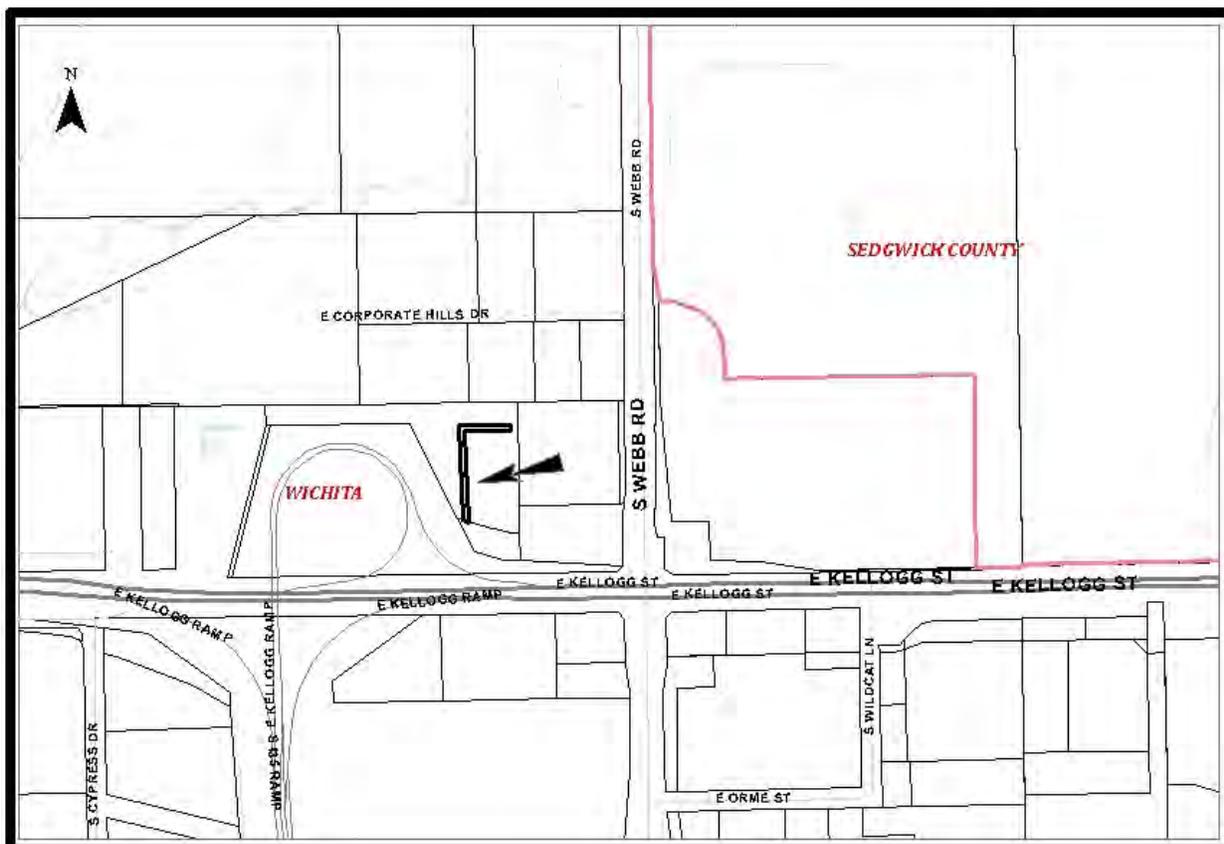
LEGAL DESCRIPTION: Generally described as vacating that portion of a platted 20-foot fire lane easement located on Lot 2, F.N.I.C. Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the northwest side of Kellogg Street and Webb Road (453 S. Webb Road) WCC II

REASON FOR REQUEST: Redevelopment of the site

CURRENT ZONING: The site and the abutting north and west properties are zoned LC Limited Commercial. Abutting east properties are zoned LC and GC General Commercial. A portion of the US 54 – I-35 interchange abuts the south side of the site.

VICINITY MAP:



The applicant is requesting the vacation of that portion of a platted 20-foot fire lane easement located on Lot 2, F.N.I.C. Addition. Vacation of the subject fire lane easement needs approval by the Fire Department. There are no public utilities located in the subject fire lane easement. Condition #4 will cover Westar. LaDonna Vanderford is the Construction Services Area representative and will be the contact on this request. She can be reached at 316-261-6490. The F.N.I.C. Addition was recorded May 22, 1973.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted fire lane 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 November 25, 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 fire lane 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) As approved by the Fire Department vacate that portion of the platted 20-foot fire lane easement located in Lot 2, F.N.I.C. Addition.
- (2) As needed provide any needed easements for emergency access. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated portion of the platted 20-foot fire lane easement located in Lot 2, F.N.I.C. Addition, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

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

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As approved by the Fire Department vacate that portion of the platted 20-foot fire lane easement located in Lot 2, F.N.I.C. Addition.
- (2) As needed provide any needed easements for emergency access. These must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated portion of the platted 20-foot fire lane easement located in Lot 2, F.N.I.C. Addition, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants’ expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

The applicant proposes to vacate the platted 188.79-foot long (x) 25-foot wide utility easement running parallel to the south property line of Lot 3, McGinty Addition. There is a sewer line and manhole in the subject easement. Westar has equipment in easement in the vacation area but condition #2 will cover that equipment. Becky Thompson, is the Construction Services Representative for this area is working with the applicant on this project. She can be reached at 316-261-6320. The McGinty Addition was recorded with the Register of Deeds August 12, 1983.

NOTE: VAC2015-00011 vacated the 404.72-foot (x) 20-foot platted utility easement running parallel to the east property lines of Lots 1, 2 and 3 (the subject site), McGinty Addition; approved by the City Council June 23, 2015.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted utility 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 November 25, 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 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 City Council for final action.
- (2) Provide Planning with any needed easements, including easement to cover the existing sewer line and manhole, with original signatures, for other existing or relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete

until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

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

STAFF REPORT

- CASE NUMBER:** VAC2015-00058 - City request to vacate a platted wall easement
- OWNER/AGENT:** Mark E and Mary S Hutton (owners) Baughman Company, PA, c/o Russ Ewy (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the platted 240.40-foot long (x) 5-foot wide wall easement running parallel to the south property line of Lot 3, Block 1, Mere Ridge Addition, Sedgwick County, Kansas
- LOCATION:** Generally located on-half mile north of 21st Street North on the east of side of Ridge Road, north of Clear Meadow Circle, on the northwest side of Clear Meadow Court (7118 W Clear Meadow Court) WCC VI
- REASON FOR REQUEST:** Not needed
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential
- VICINITY MAP:**



The applicant proposes to vacate the platted 240.40-foot long (x) 5-foot wide wall easement running parallel to the south property line of Lot 3, Block 1, Mere Ridge Addition. Per the plattor's text the wall easement is for the construction and maintenance of a private wall and utilities may cross the wall easement. There is no wall located in the platted wall easement. There does not appear to be any public utilities located in the subject easement. Condition #1 will cover Westar. Richard Aitken is the Construction Services Representative for this area and will be the contact on this request. He can be reached at 316-261-6734. The applicant proposes to dedicate a substitute easement to cover those utilities located within the current wall easement. The Mere Ridge Addition was recorded with the Register of Deeds November 29, 1988.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted wall 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 November 25, 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 wall easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

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

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

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

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

STAFF REPORT

CASE NUMBER: VAC2015-00059 - Request to vacate a platted utility easement

OWNER/APPLICANT/AGENT: Newmarket Office, LLC, c/o David Hambrick (owner/applicant) Professional Engineering Consultants, c/o Charles Brown

LEGAL DESCRIPTION: Generally described as vacating the platted 330.02-foot long (x) 20-foot wide utility easement located 40 feet west and running parallel to the west property lines of Parcels A & B, Lot 1, Block 1, New Market Office 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Maize Road on the north side of 29th Street North, on the west side of North Parkdale Circle WCC V

REASON FOR REQUEST: Replace with another utility easement

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

VICINITY MAP:



The applicant is requesting the vacation of the platted 330.02-foot long (x) 20-foot wide utility easement located 40 feet west and running parallel to the west property lines of Parcels A & B, Lot 1, Block 1, New Market Office 2nd Addition. There are no public utilities located in the subject utility easement. Condition #3 will cover Westar. Richard Aitken is the Construction Services Representative for this area and will be the contact on this request. He can be reached at 316-261-6734. However, there are franchise utilities located west of and outside of the subject easement. The applicant proposes to replace the subject easement with a 20-foot utility easement that abuts and runs parallel to the west property lines of the subject sites. There is a parallel 20-foot wide utility easement located in the west abutting Fontana 3rd Addition; a sewer line is located in that easement. The combined easements will provide a total width of 40 feet to cover existing and future utilities. There may be a landscaped berm (cedar trees) located within the proposed replacement utility easement; if it is located on the subject properties dedicate a landscape easement to protect the landscaped berm. The New Market Office 2nd Addition was recorded May 19, 2011.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of 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 November 25, 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 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) Provide a utility easement dedicated by separate instrument with original signatures for utilities. The original dedication must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (2) Provide a landscape easement dedicated by separate instrument with original signatures to protect a landscaped berm (appears to be running parallel to the west side of the subject site) if it is located on the subject properties. The original dedication must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.

- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated platted 20-foot utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

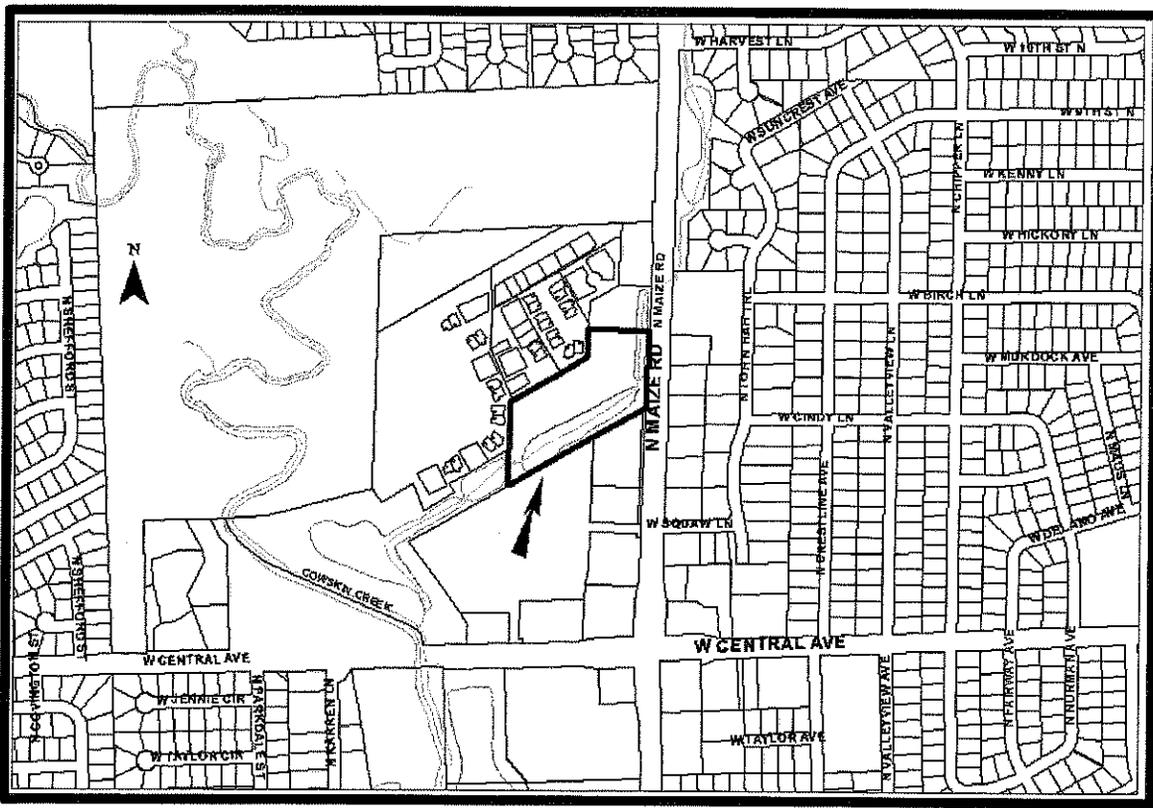
- (1) Provide a utility easement dedicated by separate instrument with original signatures for utilities. The original dedication must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (2) Provide a landscape easement dedicated by separate instrument with original signatures to protect a landscaped berm (appears to be running parallel to the west side of the subject site) if it is located on the subject properties. The original dedication must be provided to Planning prior to the case going to the City Council for final action and subsequent recording with the Register of Deeds.
- (3) As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) Provide a legal description of the vacated platted 20-foot utility easement, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

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



STAFF REPORT
MAPC November 19, 2015 (Deferred to 12-17-15)
DAB V December 7, 2015
MAPC December 27, 2015

- CASE NUMBER:** CUP2015-41
- APPLICANT/AGENT:** Ronald D. Ryan Living Trust (owner); Paul Gray (agent)
- REQUEST:** Amendment to Community Unit Plan (CUP) DP-134 to increase multi-family residential density and amend development standards
- CURRENT ZONING:** GO General Office (GO)
- SITE SIZE:** 6.65 acres
- LOCATION:** Generally located at the northwest corner of West Central Avenue and North Maize Road
- PROPOSED USE:** Multi-family development



BACKGROUND: The application area is undeveloped property within Parcel 2a of DP-134, The Timber Groves Lakes Community Unit Plan (CUP), a 6.65-acre site at the northwest corner of North Maize Road and West Central Avenue. The vacant site currently has a detention water feature on the south and east side of the site, along Maize Road. The applicants wish to build three multi-family buildings, three stories each, with 24 dwelling units per building for a total of 72 dwelling units (10.87 dwelling units per acre) with no architectural restrictions (see the attached site plan). The CUP currently limits Parcel 2a to a total of 15 dwelling units, six dwelling units per building, townhouse units, two-story buildings, and requires architectural compatibility with nearby office and residential buildings using fieldstone. Therefore, the applicants request an amendment to DP-134 Parcel 2a to eliminate the stated restrictions. The application area is zoned GO General Office (GO), which permits 75 dwelling units per acre.

The application area, Parcel 2a, is the only undeveloped parcel within the CUP. Immediately north of the site is a two-story office building on the GO zoned Parcel 2. North and west of the site is the SF-5 Single-family Residential (SF-5) zoned Parcel 3, developed with the Timber Groves Lakes residential development. Parcel 3 has 45 existing residences, a mixture of single-family residences and attached duplexes. The CUP allows Parcel 3 to develop a total of 416 dwelling units, in a mixture of single and multi-family housing types, at a maximum density of 7 units per acre. Parcel 1, south of the site, is zoned LC Limited Commercial (LC) and developed with retail, restaurant and banking uses. The CUP grants the application area cross lot access to the north to Maize, using the one access point to Maize currently used by the office building to the north and the Timber Grove Lakes residences. The CUP also grants this site cross lot access to Central to the south, across the commercially developed Parcel 1. A bridge across the detention water feature exists between the southwest corner of the application area and Parcel 1, and a drive aisle exists on the west side of the Wal-mart Neighborhood Market, connecting to Central. The CUP requires a landscape buffer between this site and Parcel 3 at a rate of 1 shade tree or equivalent per 30 linear feet. The CUP requires a masonry wall between the application area and Parcel 3, the wall is already constructed. Beyond the boundaries of DP-134, surrounding uses include an SF-5 zoned park to the north and west, an SF-5 zoned church and houses east of the CUP across Maize Road, and LC zoned commercial development south of the CUP across Central.

CASE HISTORY: The site was rezoned to GO with DP-134 in 1983 and was platted as the Timber Grove Lakes Addition in 1984. A 2008 CUP Amendment split the application area, Parcel 2a, from Parcel 2 and permitted multi-family residential development with the above stated restrictions.

ADJACENT ZONING AND LAND USE:

NORTH:	GO, SF-5	Offices, single and two-family residences, park
SOUTH:	LC	Commercial development
EAST:	SF-5	Church, single-family residences
WEST:	SF-5	Single and two-family residences, park

PUBLIC SERVICES: The CUP grants this site cross lot access to Maize and Central. Maize is a four-lane arterial with a 110-foot right of way (ROW) at the access point and a southbound

right turn decel lane. This portion of Maize has a traffic count of 21,505 vehicles per day. Central is a five-lane arterial with a 124-foot ROW at the access point; this portion of Central has both east and west bound accel/decel lanes. This portion of Central has a traffic count of 13,449 vehicles per day. Per the City Traffic Engineer, the proposed multi-family development would generate 6.59 vehicle trips per day per unit, for a total of 474 daily trips. The City Traffic Engineer recommends requiring this development to maintain cross lot access to Central to the south, reducing the impact on the Maize access point. Sidewalks are available on both adjacent Maize and Central, the site is on the West Central transit bus route. All typical urban services are available.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “local commercial.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The UZC and Comprehensive Plan consider residential development less intense than commercial development. The Comprehensive Plan locational guidelines consider this request “high density” residential development as it exceeds 10 units per acre. The Comprehensive Plan Residential Locational Guidelines recommend that medium and high density residential uses locate within walking distance of neighborhood commercial centers, parks, schools and public transportation routes. The Comprehensive Plan also recommends close proximity to concentrations of employment, major thoroughfares and utility trunk lines. They should be directly accessible to arterial or collector streets, in order to avoid high traffic volumes in lower density residential neighborhoods. And, they should be sited where they will not overload or create congestion in existing and planned facilities/utilities.

RECOMMENDATION: The applicant’s request is to increase the permitted residential density on this vacant CUP parcel, and to eliminate other development restrictions. Planning staff notes that peak hour traffic from this development could be a concern, and recommends that the CUP amendment require a connection to Central through the commercial development drive aisle to the south. Several residential neighbors from Timber Grove Lakes contacted staff opposed to this request. Opposition appears primarily against the three-story building request, visual compatibility, the total number of units and associated traffic, noise, trash and light. Staff feels that the CUP’s existing architectural compatibility requirement with fieldstone, along with the existing landscape buffer requirement and screening wall should mitigate the visual concerns. The UZC limits light pole height to 15 feet when within 200 feet of residential zoning, and requires cut-off luminaries to minimize light trespass and glare. The UZC also requires trash receptacle screening. Therefore, staff feels that the potential impacts generated by this request can be mitigated with existing CUP and code requirements along with staff recommended conditions.

Based upon the information available prior to the public hearings, planning staff recommends that the request for an amendment to DP-134 2a to remove CUP architectural compatibility with fieldstone be **DENIED**. Planning staff further recommends that the request to increase multi-family units to 72, to increase the number of units in a building to 24, to increase the number of

building stories to three, and to allow apartment buildings be **APPROVED** subject to the following conditions:

- (1) The CUP shall be amended to require multi-family residential development on Parcel 2a to maintain cross lot access to both Parcel 1 and Parcel 2. The applicant shall construct access improvements from Parcel 2a to Parcel 1 prior to obtaining residential building permits.
- (2) The applicant shall submit a site plan demonstrating access from Parcel 2a to Parcel 1, to be approved by planning staff and the City Traffic Engineer.
- (3) The applicant shall submit building elevations, to be approved by planning staff, demonstrating architectural compatibility per the CUP requirements.
- (4) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days of approval or the request shall be considered denied and closed.
- (5) If the Zoning Administrator finds that there is a violation of any of the conditions of the CUP amendment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the CUP amendment null and void.

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood: The application area, Parcel 2a, is the only un-developed parcel within the CUP. Immediately north of the site is a two-story office building on the GO zoned Parcel 2. North and west of the site is the SF-5 zoned Parcel 3, developed with the Timber Groves Lakes residential development. Parcel 3 has 45 existing residences, a mixture of single-family residences and attached duplexes. Parcel 1, south of the site, is zoned LC and developed with retail, restaurant and banking uses. Beyond the boundaries of DP-134, surrounding uses include an SF-5 zoned park to the north and west, an SF-5 zoned church and houses east of the CUP across Maize Road, and LC zoned commercial development south of the CUP across Central.
- (2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned GO with DP-134 use restrictions and development standards, and could be developed for a number of uses under those restrictions. However, the site has been vacant as zoned for GO since 1984, and has been vacant with the 15-unit multi-family restrictions since 2008.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed amendment would increase the total number of dwellings permitted on the site, and would increase the permitted number of building floors from two to three. The proposed development could impact adjacent residences with increased traffic, noise, and visual changes. These impacts should be mitigated by the existing screening wall, CUP requirements for a landscape buffer and architectural compatibility, and UZC light and screening compatibility requirements.

- (4) Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will add housing at an urban infill location with existing infrastructure, utilities, nearby park and commercial amenities. Vehicle traffic from the site could negatively impact access to the arterial street network, particularly if only once access point is made available. Denial of this request would presumably be a loss of economic opportunity for the land owner or developer.
- (5) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “local commercial.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The UZC and Comprehensive Plan consider residential development less intense than commercial development. The Comprehensive Plan locational guidelines consider this request “high density” residential development as it exceeds 10 units per acre. The Comprehensive Plan Residential Locational Guidelines recommend that medium and high density residential uses locate within walking distance of neighborhood commercial centers, parks, schools and public transportation routes. The Comprehensive Plan also recommends close proximity to concentrations of employment, major thoroughfares and utility trunk lines. They should be directly accessible to arterial or collector streets, in order to avoid high traffic volumes in lower density residential neighborhoods. And, they should be sited where they will not overload or create congestion in existing and planned facilities/utilities.
- (6) Impact of the proposed development on community facilities: The requested CUP amendment could negatively impact access to the arterial street network. The proposed cross lot access requirement to both Maize and Central should mitigate that concern.



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Laura Rainwater
SUBJECT: CUP2015-41
DATE: December 8, 2015

Jess McNeely, Metropolitan Area Planning Department, presented a request to DAB V, on Thursday, December 7, for an amendment to Community Unit Plan (CUP) DP 134 to increase multi-family residential density and amend development standards on a parcel of land generally located at the northwest corner of West Central Avenue and North Maize Road.

In attendance were Paul Gray, agent for applicant, and approximately 40 members from the Timber Grove Lakes Home Owners Association, and the owner of the Timber Grove Lakes Office building.

Paul Gray presented his preliminary plans for a three-building, 72 unit, apartment complex. Gray had previously met with representatives from the Timber Groves Lakes HOA on two occasions. After meeting with the HOA, he made modifications to his plans to address their concerns. Some of these changes include:

- Changed the orientation of the buildings to single-stack. This will allow all balconies to be on the lake-side of the complex. Only bedroom windows will face the neighborhood.
- Moved the structures closer to the waterfront
- Will stay within a 35' height restriction
- Will adhere to current architectural standards
- Will plant tree screening along wall and possibly covered parking will be designed
- Will provide additional access off of Central

Members of the HOA and the owner of the office building addressed the Board in opposition of the change. Their concerns included:

- It does not adhere to the concessions they made in 2008 that allowed for 15 condominiums
- Their property values will decrease
- Their privacy and views will be destroyed
- The bridge out to Central St. is not structurally sound to handle the increase in traffic
- Damage to bridge caused by an increase in auto traffic
- Concern over developer meeting existing architectural guidelines
- Increase in trash and crime created by an apartment complex. They would prefer owner-occupied condos

- Flooding caused by an increase in impervious surface. There is already flooding with heavy rains and this will compound the issue
- Traffic safety concerns due to increase in volume
- Safety concerns for tenants and customers of the office building due to increase in traffic volume
- Increase in expenses and fees for upkeep of parking and drives due to increase in traffic
- Auto headlights and auto fumes will be a nuisance

Council Member Frye asked for some direction from the DAB V on the matter.

DAB questions addressed to Gray, include:

- Will fieldstone be used? **A.** Applicant is ok with the architectural standards that are currently in place and will adhere to them
- Can you change the size of the project based on flood plain issues? **A.** Until we know the requirements, I can't answer.
- Will these be high-end apartments? **A.** Yes. Rents will start at \$900 for a one-bedroom unit and \$1,100 for a two-bedroom unit with granite countertops and high-end trim
- Is the bridge sufficient? **A.** It is compatible for two-lane traffic. Will hire an engineer to determine if it is structurally sound. Road access and cost is the next step in the process.
- Will you sell it off? **A.** No plans to sell. It is designed to be sustainable.
- Have you done any studies on criminal impact? There's always a static amount of crime. This will be a high income property with market-value rents.

DAB comments include:

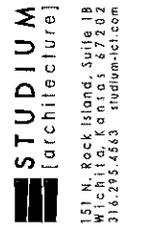
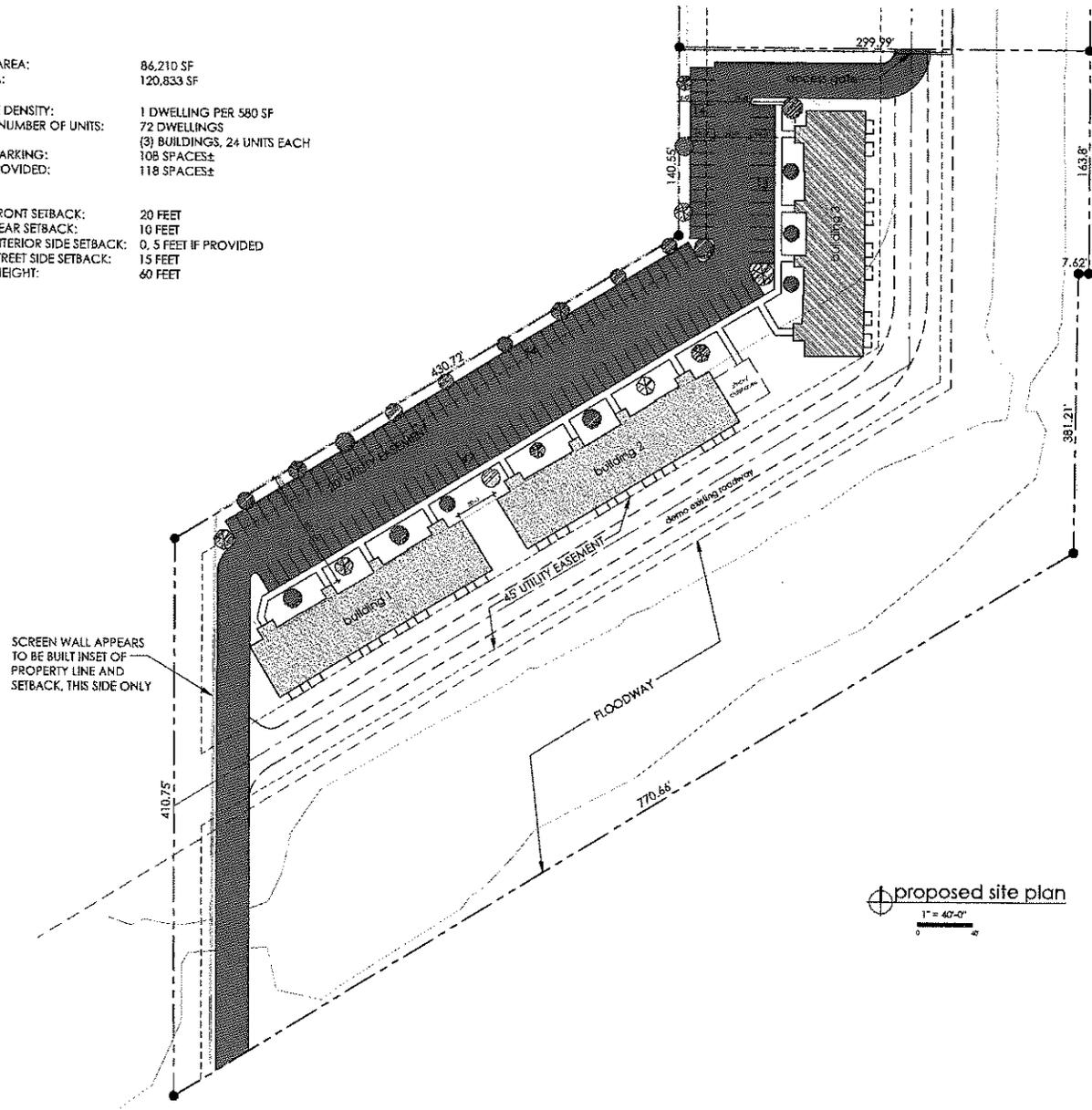
- Current zoning does not require Central St. access
- The current City screening height minimum standard is 6'. When it was built, the wall was built within standards.
- The landscape code remains unchanged
- This parcel of land will not be in the flood plain when new FEMA Flood Plain maps take effect.
- It is not our job to discuss engineering concerns
- These home owners bought/built their homes based on GO zoning. They conceded to 15 townhomes in 2008. Jumping to 72 units is a huge difference and I am adamantly against it.
- Concern over lack of communication between HOA and Paul Gray.
- We're here to approve the change in CUP, not to approve or disapprove the site plan.
- The threshold has been met to approve the change but more discussion needs to happen between HOA and Gray.

Greene made a motion to approve the staff recommended action, as long as HOA and Gray meet to discuss new preliminary site plan before MAPC hearing on Dec. 17. **Palmer** seconded the motion. **Motion passed 5-2.**

BUILDING CONFIGURATIONS

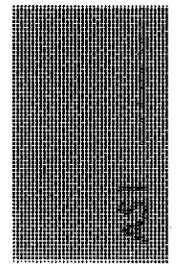
BUILDING 1:	12 - 1 bedroom 12 - 2 bedroom
BUILDING 2:	12 - 2 bedroom 12 - 1 bedroom
BUILDING 3:	12 - 1 bedroom 12 - 2 bedroom
TOTAL (72 units)	36 - 1 bedroom 36 - 2 bedroom

BUILDABLE AREA:	86,210 SF
TOTAL AREA:	120,833 SF
ALLOWABLE DENSITY:	1 DWELLING PER 580 SF
PROPOSED NUMBER OF UNITS:	72 DWELLINGS (3) BUILDINGS, 24 UNITS EACH
REQUIRED PARKING:	108 SPACES±
PARKING PROVIDED:	118 SPACES±
MINIMUM FRONT SETBACK:	20 FEET
MINIMUM REAR SETBACK:	10 FEET
MINIMUM INTERIOR SIDE SETBACK:	0, 5 FEET IF PROVIDED
MINIMUM STREET SIDE SETBACK:	15 FEET
MAXIMUM HEIGHT:	60 FEET



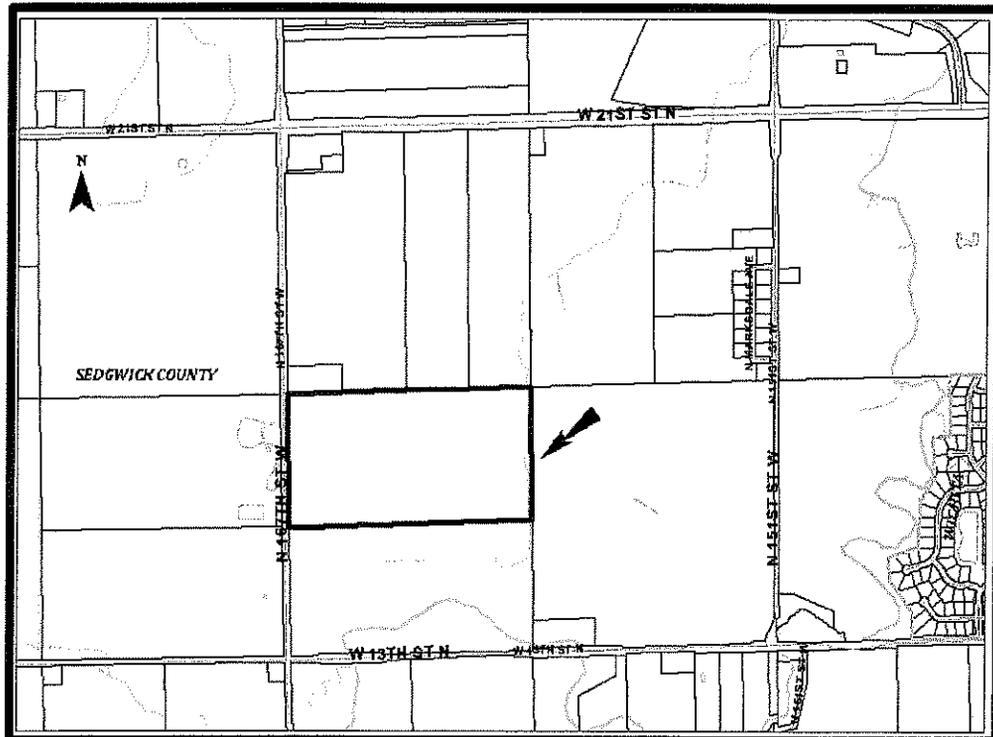
Timber Grove Lakes Apartments

Central Ave and Macae Rd, Wichita, Kansas 67212



STAFF REPORT
MAPC December 17, 2015

- CASE NUMBER:** CON2015-00036
- APPLICANT/AGENT:** Kenny Kalb (applicant/owner) Kaw Valley Engineering, c/o Tim Austin (agent)
- REQUEST:** Agricultural Sales and Services
- CURRENT ZONING:** RR Rural Residential
- SITE SIZE:** Approximately 80-acres
- LOCATION:** Generally located north of 13th Street North on the east side of 167th Street West (BoCC #3)
- PROPOSED USE:** A staging, parking and maintenance area for the applicant's trucks, plus parking for the employees



BACKGROUND: The applicant is requesting a conditional use for “agricultural sales and services” on the unplatted RR Rural Residential (RR) zoned site. The site is currently an agricultural field. The applicant’s business, Blick’s Phosphate Conversions, LLC, delivers fertilizer to the area’s farms and proposes the RR zoned site be used as a staging, parking and maintenance area for the business’s trucks and parking for the employees; the applicant has not indicated how many trucks or employees will be on the site. The site will not be used for the storage of fertilizer nor the sale and display of the fertilizer.

The UZC Unified Zoning Code (UZC), Sec II-B.1.h., defines agricultural sales and services as an establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses that are used for wholesale and/or retail purposes. The UZC, Sec.III-D., requires a conditional use for agricultural sales and services in the RR zoning district.

The applicant’s trucks will depart from the site, pick up the fertilizer at an off-site location, then take the fertilizer to the properties that have ordered the product and when finished and empty return to the site. The trucks will not have their holding and dispensing portions cleaned at the site, however road grim on the trucks will be washed off at the site, on an outdoor concrete or asphalt pad. The site plan’s drawing shows a 9,600 foot maintenance storage building, but the text references a 12,000-square foot maintenance storage building. Regardless of the size, the proposed maintenance shop will be used for tune-ups, brake repair, transmission and engine repair, lubrication, etc., but will not include painting or body repair work.

The Wichita-Sedgwick County Metropolitan Area Building and Construction Department (MABCD) and Kansas Department of Health and Environment (KDHE) policies prohibit any commercially generated waste, to include chemical waste from commercial floor drains, from being discharged into lagoons or septic systems. The storage and disposal of waste oil, transmission fluids, lubricants, batteries, cleaning solvents and any other similar types of chemicals/oils used in the maintenance of the trucks must be done according to both the MABCD and KDHE policies. The MABCD and the Sedgwick County Fire Department require building approval for the proposed maintenance shop.

The applicants’ site plan shows a 850-foot (x) 418-foot (8.16-acre) northwest portion of the 80-acre site as the agricultural sales and services site. The site plan shows the rest of the 80-acre subject property as ‘future expansion,’ including a proposed detention area located in the northeast corner of the site. The MAPC can consider approving the entire site for the requested use; however, the detail (8.16-acres) on the site plan would define the area of activity. If the proposed detention is needed for initial use it can be use that part of the site. Before the applicant could use the part of the site plan labeled future expansion they would need to file an adjustment to the site plan to provide more detail.

The site plan also proposes that those uses permitted by right in the RR zoning district be allowed. The site plan proposes that a pumpkin patch, a corn maize and agricultural activities that allow the sale or use of agricultural product grown on the site. The UZC, Sec.II-B.1.h.,

defines “agriculture” as the use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products or for the purpose of raising livestock. This definition shall include, as a permitted accessory use, the sales of nursery stock, firewood, Christmas trees and other plants and produce raised on-site. However, because of a lack of details on a corn maize or a pumpkin patch, those uses may require a conditional use for outdoor entertainment. A revised site plan needs to show, but not limited to, setbacks, proposed lighting, screening, signs, any outdoor storage and fencing. The site plan shows a proposed K-DOT reserve, the result of a portion of the northwest corner of the site being located within the proposed Northwest Bypass/Corridor Protective Overlay.

RR zoned farming and ranching operations, agricultural fields and large tract single-family residences are located on all sides of the county site. An exception to development in the area is the 14 half-acre lots of the Marksdale Addition, which is located approximately a half-mile east of the site; recorded June 28, 1968. Wichita and SF-5 Single-Family Residential (SF-5) zoned single-family residential subdivision development is located approximately three-quarters of a mile east of the site. CON2014-00020, a county conditional use request to permit mining and quarrying on 88.32-acres of SF-20 Single-Family Residential (SF-20) zoned unplatted land is located approximately a half-mile east of the site.

CASE HISTORY: The site is being platted as SUB2015-00043, the Kalb Addition. SUB2015-00043 was approved by the Subdivision Committee December 10, 2015 and will be considered at the December 17, 2015, MAPC meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	RR, LC	Large tract single-family residences, agricultural fields
SOUTH:	RR	Agricultural fields, farming and ranching operations,
EAST:	RR	Agricultural fields, farming and ranching operations, ½-acre single-family residences
WEST:	RR	Agricultural fields, farming and ranching operations

PUBLIC SERVICES: There is no public sewer nor water available. The site will be served by an on-site sewer and well water. The site has direct access onto 167th Street West a paved two-lane County Highway. There can be an anticipated increase in industrial truck traffic to the area generated from the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” shows the site to be located within the Wichita 2030 Urban Growth area and categorized as “urban development mix.” The urban development mix category encompasses areas of land that will likely be developed or redeveloped within the next 30-years with uses predominately found in the “urban residential use” category. However, there is a strong likelihood that concentrations and pockets of “major institutional uses” “local commercial uses,” and “open space uses” will ultimately be developed within this area as well, based on market driven location factors. In certain areas, especially those with close proximity to the future Northwest Bypass, there is the possibility that future uses may include “regional commercial” and “employment industry center.”

The site's and area's current development and RR zoning is more characteristic of the "rural" category, which is intended for those agricultural uses commonly found in Sedgwick County and predominately large (two-acres or more) tract single-family residential development. The applicant's proposed staging, parking and maintenance area for the business's trucks and parking for the employees (agricultural sales and services) is placed in close proximity to the mostly rural half of Sedgwick County (its customer base) as well as the railroad lines located in Wichita and the county, where the applicant gets its product for distribution. Consideration of a conditional use is required for agricultural sales and services. The site has a portion of the Northwest Bypass on its northwest corner, which is anticipated to change the character of the area into a mix of commercial and urban scale residential development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed Conditional Use be APPROVED, subject to platting within a year and the following conditions:

1. As shown on an approved site plan the agricultural sales and services is a staging, parking and maintenance area for the business's trucks and parking for the employees and those uses permitted by right in the RR Rural Residential zoning district or as an approved Rural Home Occupation, outside of the area used for the approved agricultural sales and services.
2. The applicant shall develop a hazardous material waste storage and disposal plan to meet all applicable Wichita-Sedgwick County Metropolitan Area Building and Construction Department (MABCD) and Kansas Department of Health and Environment (KDHE) policies codes, policies and standards. This plan shall include the safe storage and disposal of all commercial waste, the prevention of any commercial waste from entering the application area's lagoon, to include floor drains from the garage or a proposed outside concrete/asphalt pad, and the safe containment of any spilled commercial waste. This approved plan must be submitted to the MABCD prior to the issuance of any building permits.
3. The applicant shall submit the "Regulated Waste Activity Notification" form to KDHE, and obtain a regulated waste license from the KDHE. This approved license must be submitted to the County prior to the issuance of any building permits.
4. Development and maintenance of the site shall be in conformance with the approved site plan, which shall include all structures to be set back behind all current building line, location of the lagoon, parking for the trucks and employees, lights, signs, outdoor storage, screening, fencing and an approved surface for the parking and circulation area. The approved site plan shall be submitted prior to the issuance of any building permits.
5. Before the applicant can use the part of the site plan labeled future expansion they would need to file an adjustment to the site plan.
6. No outside storage of salvage vehicles, parts chemicals, oils, or solvents.
7. No bodywork or painting of vehicles.
8. All maintenance work on vehicles shall take place inside the maintenance shop, which shall have a concrete floor.
9. The maintenance shop shall be used for the trucks used in the applicant's staging, parking and maintenance area only and the shop shall not be advertised as a maintenance repair shop for trucks or vehicles not used by the applicant in this business.

10. MABCD and Sedgwick County Fire shall approve maintenance building plans, prior to the issuance of a building permit.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the surrounding area:** The RR zoned farming and ranching operations, agricultural fields and large tract single-family residences are located on all sides of the county site. An exception to development in the area is the 14 half-acre lots of the Marksdale Addition, which is located approximately a half-mile east of the site; recorded June 28, 1968. Wichita and SF-5 Single-Family Residential (SF-5) zoned single-family residential subdivision development is located approximately three-quarters of a mile east of the site. CON2014-00020, a county conditional use request to permit mining and quarrying on 88.32-acres of SF-20 Single-Family Residential (SF-20) zoned unplatted land is located approximately a half-mile east of the site.
2. **The suitability of the subject property for the uses to which it has been restricted:** The rural Sedgwick County site is zoned RR, which primarily permits agriculture uses and large lot residential uses. The site is currently an agricultural field and could continue to be used in this manner.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** There can be an anticipated increase in industrial truck traffic to the area generated from the site. The conditions attached to the conditional use should minimize negative impact of the development.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2030 Wichita Functional Land Use Guide” shows the site to be located within the Wichita 2030 Urban Growth area and categorized as “urban development mix.” The urban development mix category encompasses areas of land that will likely be developed or redeveloped within the next 30-years with uses predominately found in the “urban residential use” category. However, there is a strong likelihood that concentrations and pockets of “major institutional uses” “local commercial uses,” and “open space uses” will ultimately be developed within this area as well, based on market driven location factors. In certain areas, especially those with close proximity to the future Northwest Bypass, there is the possibility that future uses may include “regional commercial” and “employment industry center.”

The site’s and area’s current development and RR zoning is more characteristic of the “rural” category, which is intended for those agricultural uses commonly found in Sedgwick County and predominately large (two-acres or more) tract single-family residential development. The applicant’s proposed staging, parking and maintenance area

for the business's trucks and parking for the employees (agricultural sales and services) is placed in close proximity to the mostly rural half of Sedgwick County (its customer base) as well as the railroad lines located in Wichita and the county, where the applicant gets its product for distribution. Consideration of a conditional use is required for agricultural sales and services. The site has a portion of the Northwest Bypass on its northwest corner, which is anticipated to change the character of the area into a mix of commercial and urban scale residential development.

5. **Impact of the proposed development on community facilities:** There will be an increase in industrial truck traffic.



KAW VALLEY ENGINEERING, INC.

Office: 316.440.4304

Fax: 316.440.4309

Web: www.kveng.com

Address: 200 N. Emporia, Suite 100
Wichita, KS 67202

November 25, 2015

VIA EMAIL

wlongnecker@wichita.gov

Mr. William Longnecker
MAPD
455 N. Main; 10th Floor
Wichita, KS 67202

RE: CON2015-36

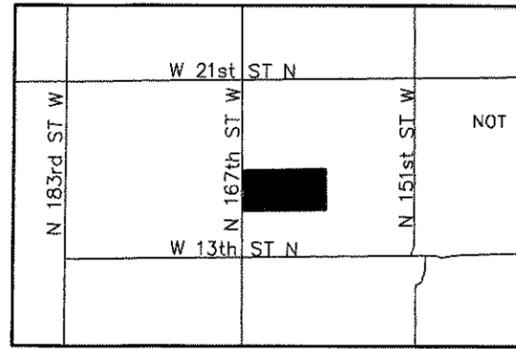
Dear Bill:

In response to your inquiry, the Kalb's business is Blick's Phosphate Conversions, LLC, which is an Agricultural Sales and Service use. (Mr. Kalb previously met with the development review team and discussed this proposal.) Blick's Phosphate owns and operates portable fertilizer blending units. The proposed facility is for his permanent business operations.

Please let us know if you have any questions or if you need further information.

Respectfully,

Tim Austin, PE



LOCATION MAP
WICHITA, KANSAS



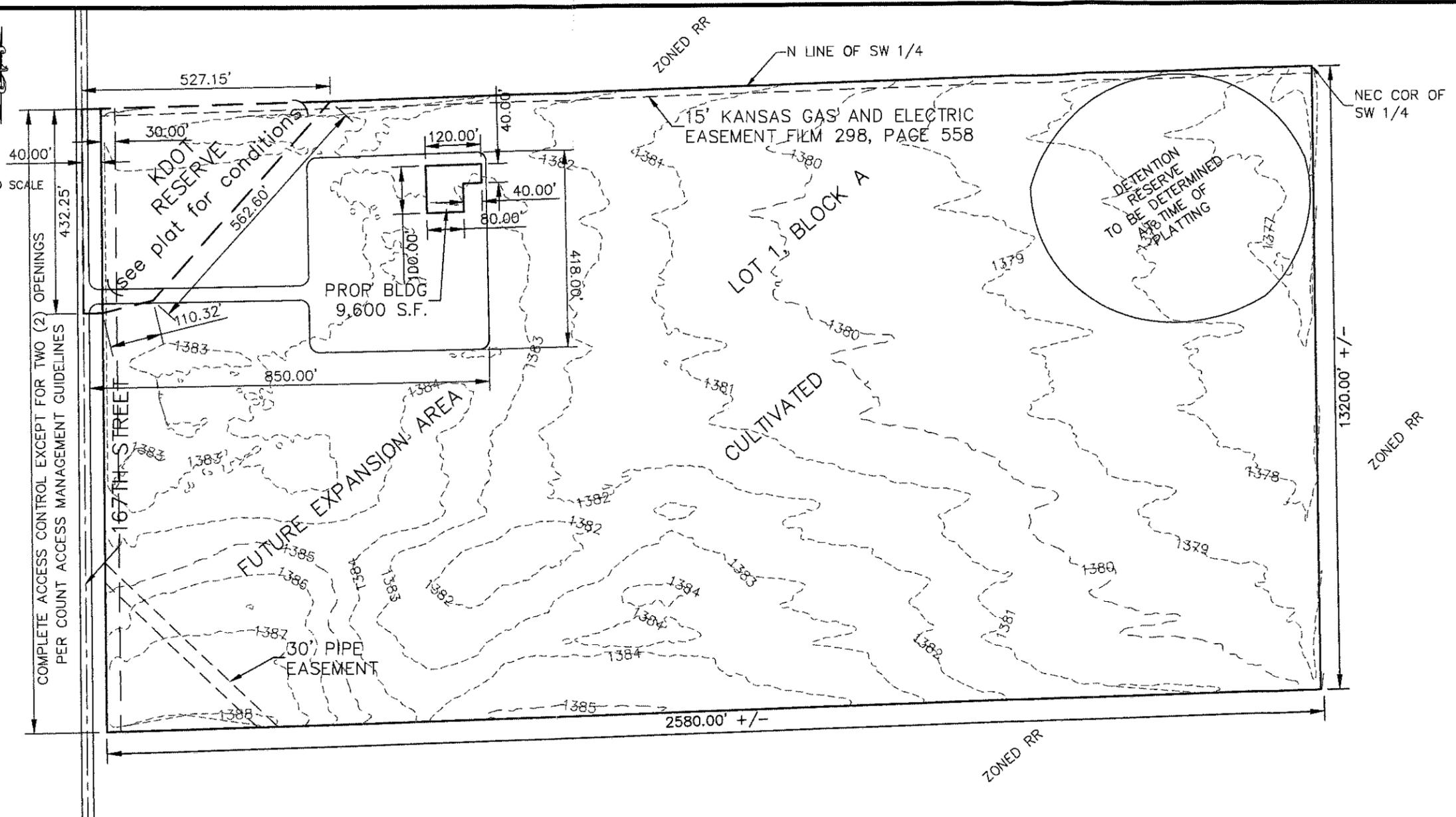
GRAPHIC SCALE



(IN FEET)
1 inch = 250 ft.

2319 NORTH JACKSON | P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
PH. (785) 762-5040 | FAX (785) 762-7744
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KAW VALLEY ENGINEERING



CONDITIONAL USE 2015-XXXX

Owners: Kenneth & Shanon Kalb

Legal

Description: The North 1/2 of the Southwest 1/4, Section 10, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County Kansas.

Zoning: RR, Rural Residential

Allowed Uses: Those uses permitted by right in the RR zoning District along with Agricultural Sales & Service including pumpkin patch, corn maize, or similar agricultural activities that allow the sale or use of agricultural product grown on site.

- Conditions:
1. The site shall be developed in general conformance with the approved site plan.
 2. The site plan as shown is conceptual to show general location and intent of the improvement. Deviations such as building size, orientation, number, entrance location shall be considered minor in nature and will not require further approvals of the governing body.
 3. The CON is a staging, parking and maintenance area for the applicant's trucks, plus parking for the employees. The site will not be used for the storage of fertilizer nor the sale and display of the fertilizer. The trucks will not have their holding and dispensing portion cleaned at the site, however road grime will be washed off at the site, on an outdoor concrete or asphalt pad. The prop. 12,000 S.F. maintenance shop will be used for tune-ups, brake repair, transmissions and engine repair, lubrication, etc, but will not include painting or body repair work.
 4. The property shall be platted within one (1) year of approval of the zoning case by the governing body.
 5. New structures will require either an adjustment or amendment to the approved conditional use, at the discretion of the Planning Director.

GROSS AC: 78.2 +/-

12/10/2015
0231EXHIBIT_REVISD_1

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

AGENDA ITEM: 6

DATE: December 17, 2015

TO: Metropolitan Area Planning Commission

FROM: Scott Knebel, AICP, Advanced Plans Division

SUBJECT: DER2015-00009: proposed amendments to Section IV-E.7. of the Wichita-Sedgwick County Unified Zoning Code regarding minimum lot size and separation requirements for rural home occupations

Background: On September 6, 2012, the MAPC recommended amendments to the rural home occupation regulations. The recommendations included reducing the minimum lot size for a rural home occupation to two acres and reducing the required separation distance between a rural home occupation and a residence to 40 feet.

On November 21, 2012, the County Commission returned the recommended amendments to the MAPC for reconsideration of the minimum lot size and separation requirements. On March 21, 2013, the MAPC reconsidered the amendments to the rural home occupation regulations and recommended a minimum lot size of five acres and a separation requirement of 120 feet. On April 17, 2013, the County Commission approved the MAPC recommended amendments to the rural home occupation regulations.

During the review process, some County Commissioners expressed support for the minimum lot size and separation requirements originally recommended by MAPC. At a recent County Commission staff meeting, Commissioners discussed the potential to promote economic development in rural areas by making it easier to establish a rural home occupation. To that end, Chairman Ranzau asked staff to place an item on the MAPC agenda to consider amendments that would reduce the minimum lot size and separation requirements for rural home occupations.

The proposed amendments (attached) would reduce the minimum lot size for a rural home occupation from five acres to two acres by right and from two acres to 20,000 square feet with a Conditional Use. The proposed amendments also would reduce the required separation distance between a rural home occupation and a residence from 120 to 75 feet.

On November 19, 2015, the MAPC voted (12-0) to set a public hearing for December 17, 2015, to consider the proposed amendments. The MAPC also directed the Advanced Plans Committee to consider the proposed amendments and make a recommendation.

On December 3, 2015, the Advanced Plans Committee considered the proposed amendments and voted (5-0) to recommend approval. The summary of the Advanced Plans Committee meeting is attached.

Recommended Action: Based on the information available prior to the public hearing, staff recommends approval of the proposed amendments to Section IV-E.7. of the Wichita-Sedgwick County Unified Zoning Code regarding minimum lot size and separation requirements for rural home occupations. This recommendation is based on the following findings.

1. The zoning, uses, and character of the neighborhood: The “RR” Rural Residential and “SF-20” Single-Family Residential are the zoning districts in which rural home occupations are permitted. The purpose of these districts is to support large-lot residential development and complementary land uses. Rural home occupations are a complementary land use in rural areas.
2. The suitability of the subject property for the uses to which it has been restricted: Large lots in unincorporated areas are suitable for the types of uses permitted as rural home occupations.
3. The extent to which removal of the restrictions will detrimentally affect nearby property: While the proposed amendments reduce the minimum lot size and separation requirements for rural home occupations, additional development standards for rural home occupations such as screening requirements and limitations on building size and the number of employees should limit the detrimental affect of rural home occupations on nearby properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wichita and Small Cities 2030 Urban Growth Areas map indicates that rural areas are appropriate for rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

Attachments: Proposed Amendments to Section IV-E.7.
Advanced Plans Committee Summary of Meeting, December 3, 2015

DER2015-00009

**Proposed Amendments to Section IV-E.7. of the Unified Zoning Code
Minimum Lot Size and Separation Requirements for Rural Home Occupations**

7. Qualifying conditions for rural Home Occupations. In addition to the Home Occupations allowed by Sec. IV-E.5, rural Home Occupations (as specified in Sec. IV- E.8) are allowed by right on Sites in the RR and SF-20 zoning Districts under the following conditions:

- a. Each Lot or tract shall be located upon a public road and shall contain a minimum of ~~5 two~~ acres, ~~including road right-of-way~~.
- b. A rural Home Occupation must be located at least ~~120-75~~ feet from residences located off-site from the zoning lot or property containing the rural Home Occupation unless the off-site residence operates a rural home occupation.
- c. The rural Home Occupation may be conducted in an Accessory Structure having a Floor Area equal to the Floor Area of the principal residence or up to 3,000 square feet, whichever is greater.
- d. Outdoor Storage is permitted provided the size of the storage area does not exceed 10,000 square feet. The storage area shall be located behind the front of the buildings within which the Home Occupation is conducted. Outside storage shall not be located within any required Building Setback or within 50 feet of a property line, whichever is greater. Screening of the storage area by Structures, solid or semi-solid fencing and / or landscape materials from Abutting roads and Adjacent properties is required on properties of less than five acres in size or within 50 feet of a property line or public right-of-way. Fences used to accomplish Screening shall be constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or similar material (not including woven wire) and shall be not less than six nor more than eight feet in Height. Landscape material intended to be used for Screening purposes must be indicated on a plan drawn to scale and submitted to the Planning Director for review and approval. Landscape material must provide the desired Screening effect within the first growing season following installation and throughout the year every year thereafter. Screening requirements for rural Home Occupations may be reduced or waived by Administrative Adjustment as described in Sec. V-I.2.
- e. No more than the equivalent of four full time employees or persons, other than persons occupying the Dwelling Unit as their residence, shall be employed at any rural Home Occupation site. A full time employee is a person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of eight hours or more per day. A part time equivalent full time employee is defined as any person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of less than eight hours per day. Determination of an employee's status as a full time or part time equivalent on-site status shall be determined by payroll records, time cards or other business records. Employees or persons lacking a record on which to determine the employee's full time or part time equivalent shall be considered full time employees.
- f. Only the standards of Secs. IV-E.3.a and IV-E.3.c shall apply to rural Home Occupations.
- g. One onsite, free-standing (or attached to an Accessory Building), non- illuminated Sign up to 12 square feet in size located outside public right-of-way shall be permitted.
- h. Rural Home Occupations as specified in Sec. IV-E.8 that do not meet one or more of the conditions above, but are limited to no less than ~~two acres~~ 20,000 square feet may be approved as Conditional Uses in accordance with the requirements and procedures for Conditional Uses in this Code.

Advance Plans Committee

Summary of Meeting

9:00 a.m., December 3, 2015

Attendance

AP Committee Members: David Dennis, Bob Dool, Joe Johnson, Bill Ramsey, John Todd
MAPD staff: Stephen Banks, Dave Barber, Scott Knebel, Dale Miller
Others: Justin Waggoner

Discussion Summary

1. The Advance Plans Committee approved the summary of the November 12, 2015 Committee meeting.
2. The Committee reviewed and discussed possible revisions to the Wichita-Sedgwick County Unified Zoning Code regarding minimum lot size and separation requirements for rural home occupations. The proposed revisions would reduce the minimum lot size for a rural home occupation from five acres to two acres by right, and from two acres to 20,000 square feet with a Conditional Use approval. The required separation distance between a rural home occupation and a residence would also be reduced from 120 feet to 75 feet. These revisions were drafted by staff based upon a request by the County Commission Chairman to consider code amendments that would reduce the minimum lot size and separation requirements for rural home occupation.

Staff provided some relevant history related to the proposed revisions. In September 2012, the MAPC recommended similar amendments to the rural home occupation regulations ... to reduce the minimum lot size to two acres and reduce the required separation distance between a rural home occupation and a residence to 40 feet. However, this recommendation was not supported by the County Commission. The MAPC then recommended a minimum lot size of five acres and a minimum separation distance of 120 feet which was subsequently approved by the County Commission in 2013. Recently, a majority of the County Commission has expressed support for the minimum lot size and separation requirements as originally recommended by the MAPC back in 2012 so as to allow more people the opportunity for small business rural economic development activities in the County.

Staff explained that the rationale for larger lot sizes and separation requirements would be to provide greater separation from potentially offensive activities such as vehicle repair and certain types of manufacturing activity.

Following further discussion, a motion was made by Todd and seconded by Dool to support the rural home occupation revisions to Section IV-E.7 of the Unified Zoning Code as submitted by staff, and to recommend that the MAPC adopted these revisions to the Unified Zoning Code.

Motion carried 5-0

3. Meeting adjourned at 9:25 a.m.

WICHITA-SEDGWICK COUNTY
 METROPOLITAN AREA PLANNING DEPARTMENT

DATE: December 17, 2015

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM: David Barber AICP, Advanced Plans Manager *WDB*

RE: DER 2015-00011: THE CITY OF DERBY SEEKS UNILATERAL ANNEXATION OF TRACTS LOCATED IN THE HUCKLEBERRY ADDITION ADJACENT TO THE CITY OF DERBY – Resolution No. 30-2015.

Background: On November 10, 2015, the City of Derby passed Resolution No. 30-2015 authorizing a public hearing on January 12, 2016 for the purposes of considering the unilateral annexation of properties in the Huckleberry Addition located west of K-15 Highway, eligible for annexation under KSA 12-520(a) and situated immediately adjacent to the City of Derby.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Derby has submitted to the MAPD, a copy of the service plan that describes in a very thorough and comprehensive way the extension of services to the annexation area.

Analysis: Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

After review by staff, it has been determined that all tracts proposed for unilateral annexation fall within the City of Derby 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005. The annexation properties also fall within the City of Derby 2035 Urban Growth Area as designated in the Community Investments Plan 2015-2035, adopted by the MAPC on November 19, 2015. All annexation properties fall within Derby’s future urban growth area as identified in the City of Derby Comprehensive Plan Growth Areas Map.

Recommended Action: That the Metropolitan Area Planning Commission pass a motion finding the unilateral annexation proposed by Resolution No. 30-2015 of the City of Derby to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachments: Attachment No. 1 - Resolution No. 30-2015 and Annexation Area
 Attachment No. 2 - 2030 Urban Growth Areas Map, May 2005
 Attachment No. 3 - 2035 Urban Growth Areas Map, November 19, 2015

(Published in *The Derby Informer* December 30, 2015)

Resolution No. 30-2015

A RESOLUTION SETTING FORTH THE INTENTION OF THE CITY OF DERBY, KANSAS, TO CONSIDER ANNEXATION OF CERTAIN LANDS, ALL PURSUANT TO K.S.A. 12-519 *ET SEQ.*

WHEREAS, the City of Derby, Kansas (the "City"), seeks to plan for incorporation of certain unincorporated lands into the City and for extension of municipal services to such lands; and

WHEREAS, K.S.A. 12-519 *et seq.* provides a process by which unincorporated areas may be annexed into a city.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

SECTION 1. A public hearing shall be conducted to consider annexation and incorporation of certain lands, hereinafter described, into the City of Derby, Kansas. Such public hearing shall be held in the Council Room at City Hall, 611 N. Mulberry, Derby, Kansas 67037, and shall commence at 6:30 p.m., Tuesday, January 12, 2016.

SECTION 2. The Governing Body finds and determines that the place designated for such hearing is the most convenient place reasonably available to accommodate all persons who may be interested in the proposed annexation, and that adequate facilities for the conduct of such hearing are not available within the lands to be considered for annexation. The Governing Body further finds and determines that the time and date of the hearing, being a regular meeting date for the City Council, is most convenient for the greatest number of interested persons.

SECTION 3. At such public hearing, the Governing Body will consider annexation of the following described lands which meet one or more of the conditions set forth in K.S.A. 12-520(a), as amended:

"Huckleberry Addition" to Sedgwick County, Kansas, including all Lots, Blocks, Streets and Reserves platted therein, said plat being located within the Southeast Quarter (SE/4) of Section Thirty-five (35), Township Twenty-eight (28) South, Range One (1) East of the Sixth Principal Meridian, Sedgwick County, Kansas, said plat containing the following property, to-wit:

All of Lots 1 through 30, inclusive, Block A, TOGETHER with all of Lots 1-6, inclusive, Block B, TOGETHER with all of Lots 1 through 15, inclusive, Block C, TOGETHER with all of Lots 1 through 12, inclusive, Block D, TOGETHER with all of Reserves A, B, and C, TOGETHER with all other public rights-of-way, all in Huckleberry Addition, Sedgwick County, Kansas;

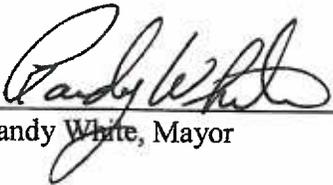
Said lands being generally located east of the Arkansas River and west of K-15 Highway and platted as "Huckleberry Addition" with an entrance near the intersection of Oliver Street and 69th Street South (Red Powell Drive).

SECTION 4. The City's plans for the extension of major municipal services to the lands proposed to be annexed, as required under the provisions of K.S.A. 12-520b, are available for inspection during regular office hours in the office of the city clerk.

SECTION 5. A copy of this resolution, together with a sketch clearly delineating the lands proposed for annexation, shall be mailed by certified mail to each owner of land proposed to be annexed and to all other persons or entities entitled by law to notice thereof, on or before November 20, 2015.

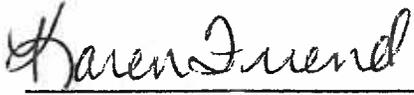
SECTION 6. This resolution, together with a sketch clearly delineating the area proposed for annexation, shall be published once in the official newspaper of the City on December 30, 2015.

ADOPTED BY THE GOVERNING BODY of the City of Derby, Kansas, this 10th day of November, 2015.



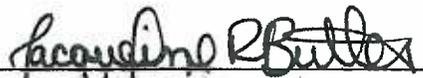
Randy White, Mayor

Attest:

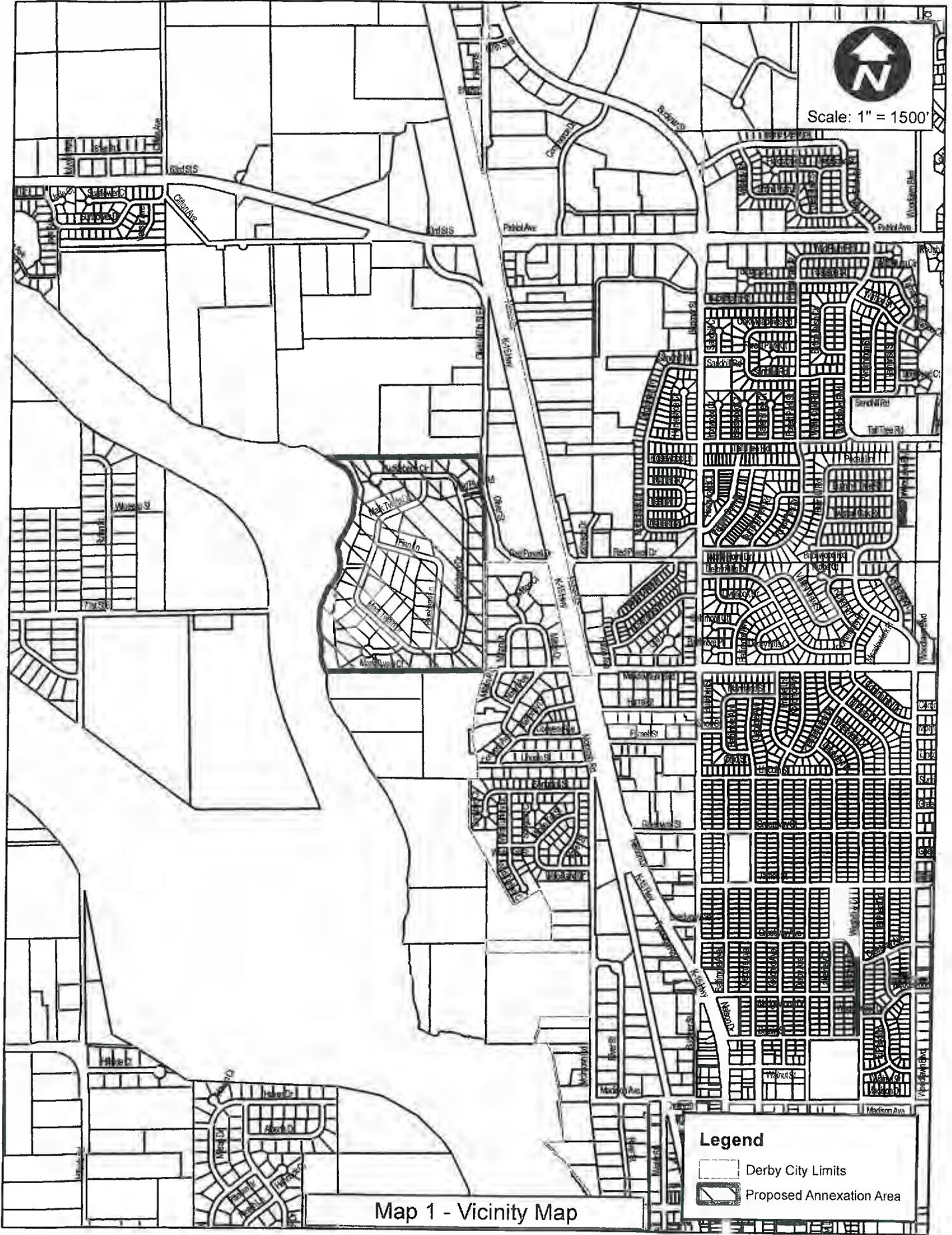


Karen Friend, City Clerk

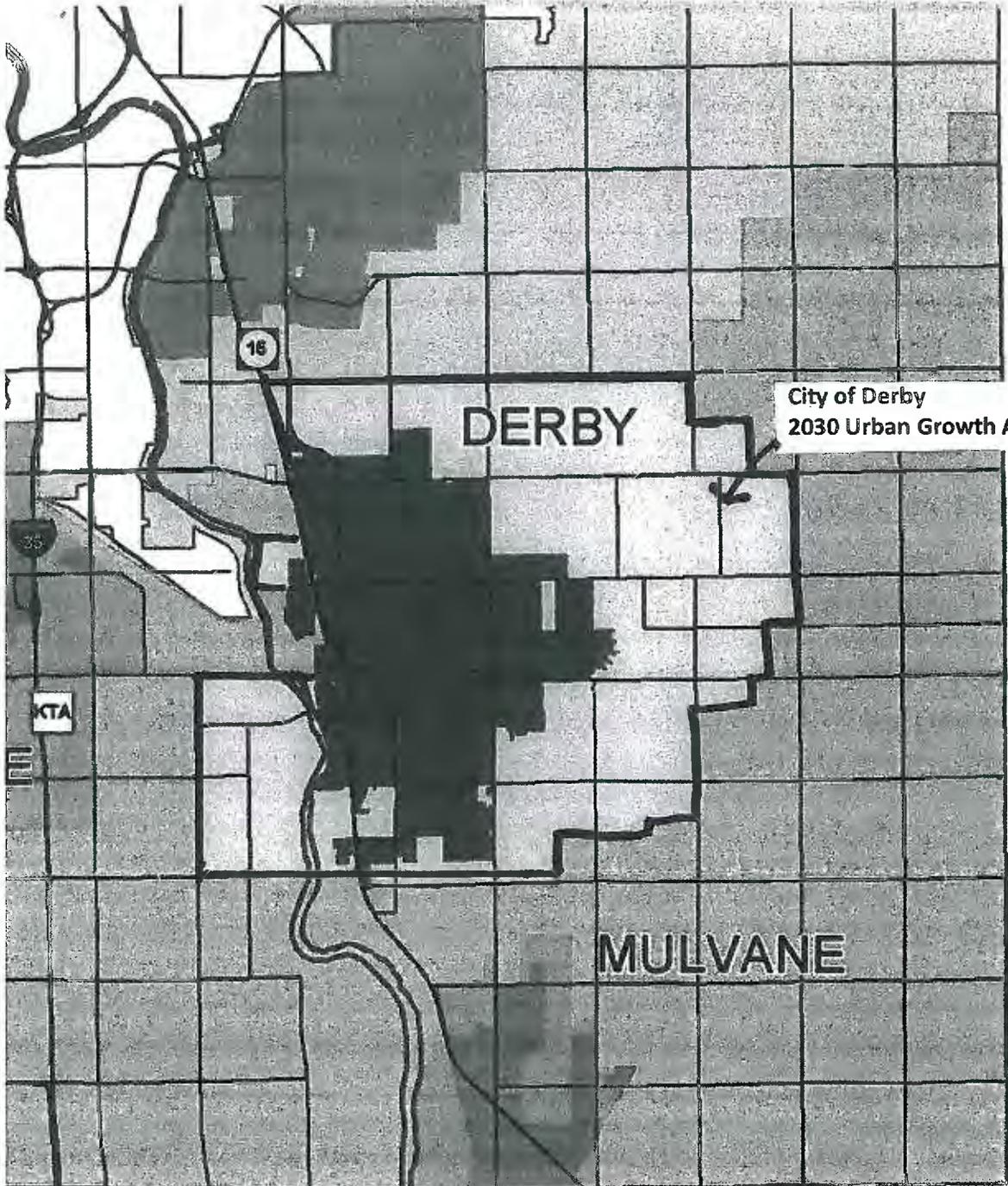
Approved as to form:



Jacqueline R. Butler, City Attorney



Map 1 - Vicinity Map



31ST S
 MAC ARTHUR
 47TH S
 55TH S
 63RD S
 71ST S
 79TH S
 87TH S
 95TH S
 103RD S
 111TH S
 119TH S

BROADWAY
 HYDRAULIC
 HILLSIDE
 OLIVER
 WOODLAWN
 ROCK
 WEBB
 GREENWICH
 127TH E
 143RD E
 159TH E

Attachment No. 2 – 2030 Urban Growth Areas Map, May 2005

2035 Urban Growth Area Map
Community Investments Plan 2015-2035, November 19, 2015

City of Derby 2035 Urban Growth Area

