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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, February 18, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, February 18, 2016**, 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: January 21, 2016

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

SUBDIVISION CASE DETAILS

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. **VAC2016-00001: City request to vacate an easement created by the vacation of public street right-of-way**, on property generally located north of Central Avenue on the east side Hydraulic Avenue (540 N. Hydraulic).

Committee Action: Approved 5-0

- 3-2. **VAC2016-00002: City request to vacate an easement dedicated by separate instrument and a platted setback**, on property generally located west of I-35 on the southeast corner of 31st Street South and Bluff Avenue (4011 E. 31st Street S.).

Committee Action: Approved 5-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2016-00001
Request: City rezone request on property currently zoned SF-5 Single-family Residential and LC Limited Commercial to LI Limited Industrial.
General Location: Along the west side of North Hoover Road, between 21st Street North and 23rd Street North (2241 and 2249 N. Hoover Rd.)
Presenting Planner: Derrick Slocum
5. Case No.: ZON2016-00002
Request: City zone change from GC General Commercial to LI Limited Industrial.
General Location: North of Central Avenue on the east side of Hydraulic Avenue (540 N. Hydraulic Ave).
Presenting Planner: Bill Longnecker

6. Case No.: CON2016-00002
Request: County Conditional Use for a Rock Crusher in SF-20 Single family Residential zoning.
General Location: North of 21st Street N. and west of West Street (4620 W. 21st St., N.).
Presenting Planner: Bill Longnecker
7. Case No.: DER2015-00007
Request: City of Garden Plain request to modify urban area of influence boundary.
General Location: Garden Plain
Presenting Planner: Dale Miller

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

January 21, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 21, 2016 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Carol Neugent, Chair; David Dennis, Vice Chair; John Dailey; Bob Deol; Bill Ellison; David Foster; Matt Goolsby; Joe Johnson; John McKay Jr.; Debra Miller Stevens; Bill Ramsey; Lowell Richardson; John Todd and Chuck Warren. Staff members present were: Dale Miller, Director; Jess McNeely, Senior Planner; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Derrick Slocum, Associate Planner; Jeff Vanzandt, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the December 17, 2015 and January 7, 2016 Planning Commission Minutes.

MOTION: To approve the December 17, 2015 minutes.

DENNIS moved, **MCKAY** seconded the motion, and it carried (10-0-2). **ELLISON** and **NEUGENT** – Abstained.

MOTION: To approve the January 7, 2016 minutes.

MCKAY moved, **DENNIS** seconded the motion, and it carried (12-0)

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **SUB2015-00029: Final Plat - SOUTHBOROUGH ESTATES 2ND SUBDIVISION ADDITION**, located south of 47th Street South, on the West side of Meridian.

NOTE: This is a replat of a portion of Southborough Estates Addition. A zone change (ZON2015-00046) has been approved from Manufactured Home (MH) to Limited Commercial (LC) and a conditional use (CON2015-00034) for manufactured home sales.

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 needed on mains and transmission.
- B. The plat proposes one opening along Meridian. County Public Works has approved the access controls.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the drainage and grading concept. County Stormwater requests the drainage plan.

- E. The 20-foot building setback needs to extend to the west property line of Lot 1.
- F. An access agreement has been submitted regarding the private street.
- G. In the signature blocks, the year 2015 needs changed to 2016.
- H. "Stormwater" needs to be spelled as one word in the plat's text.
- I. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- J. 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 plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- M. 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.)
- N. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- O. 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.
- P. 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.

- Q. 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.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- 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).

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

JOHNSON moved, **RAMSEY** seconded the motion, and it carried (13-0-1).
FOSTER – Abstained.

2-2. **SUB4025-00044: One-Step Final Plat - QUIK TRIP 20TH ADDITION**, located on the northwest corner of Pawnee and Meridian.

NOTE: This is a replat of the QuikTrip 7th Addition and the Southwest Industrial Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. The plat proposes one opening along Pawnee and three openings along Meridian. Traffic Engineering has approved access controls subject to a cross-lot access agreement with the property owner to the north. In lieu of a cross-lot access agreement, a unilateral agreement or restrictive covenant may be submitted.

- E. Traffic Engineering has approved the 50-foot right-of-way along Pawnee and Meridian with an adjoining 10-foot sidewalk, drainage and utility easement. The easement along Meridian needs labelled accordingly.
- 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. 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.
- H. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- J. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- R. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

JOHNSON moved. **RAMSEY** seconded the motion, and it carried (14-0).

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- 2-3. **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)

CHAIR NEUGENT announced that the item has been deferred to the February 4, 2016 Planning Commission Meeting.

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- 2-4. **SUB2015-00048: One-Step Final Plat - REGENCY LAKES COMMERCIAL 4TH ADDITION**, located on the northwest corner of 21st Street North and Greenwich.

NOTE: This is a replat of Lot 1 of the Regency Lakes Commercial 3rd Addition to add a reserve within the lot. This site is subject to the Regency Lakes Commercial Community Unit Plan (CUP DP-234).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.

- D. Traffic Engineering has approved the access controls. The plat proposes a right-in/right-out drive along both 21st Street North and Greenwich. A cross-lot access agreement has been recorded with the property to the north.
- 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. 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.
- H. 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.
- I. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- J. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- K. 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.
- 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.

JOHNSON moved, RAMSEY seconded the motion, and it carried (14-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2015-00061: City request to vacate a portion of McComas Avenue public street right-of-way, generally located between Harry Street and Walker Avenue

APPLICANT: Foley Industries Inc., c/o Lewis Erickson (applicant)

LEGAL DESCRIPTION: Generally described as vacating that part of the 60-foot wide McComas Avenue located between Harry Street and Walker Avenue, except the north 150 feet, Wichita, Sedgwick County, Kansas

LOCATION: Generally located one block east of West Street, between Harry Street and Walker Avenue (WCC V)

REASON FOR REQUEST: Expansion of Foley Industries

CURRENT ZONING: All abutting and adjacent properties are zoned LI Limited Industrial

The applicant is requesting the vacation of that portion of the 60-foot wide McComas Avenue public street right-of-way located between Harry Street and Walker Avenue, except the north 150 feet. The applicant owns all of the abutting property except the property located on the southwest corner of Walker Street and McComas Avenue. The vacation request would not deny any properties access to public street right-of-way. The applicant proposes to fence off this portion of McComas to allow the moving of materials and machinery across McComas Avenue, without contending with thru traffic. The vacation will also provide additional security on their site. Public water lines, water valves, water nodes, sewer lines, sewer manholes and hydrants are located in the McComas Avenue right-of-way. Utility poles are located in the McComas Avenue right-of-way.

McComas Avenue is a paved two-lane road with a full curb and is the longest north-south street in the section of LI Limited Industrial zoned land located between Harry Street (south end) – West Street (west side) – railroad right-of-way (east side) - Kellogg/US-54 . McComas Avenue allows vehicular traffic access to the intersection of Harry and West Streets, which is a controlled intersection with traffic lights. Harry Street is an east-west, paved, curbed two-lane arterial. West Streets is a north-south, paved four-lane arterial. The Harry and West Streets intersection is the only intersection with traffic lights on this portion of West Street located between the Kellogg/US-54–West Street interchange (located approximately ½-mile north) and the West Street-K-42 intersection (located approximately a mile south).

Beginning the week of January 4 – January 8, the Kellogg/US-54–West Street interchange will be closed for up to a year or longer. The temporary closure of the Kellogg/US-54–West Street interchange leaves the nearest access onto Kellogg/US-54 located east via McCormick Avenue or Harry Street to the Southwest Boulevard/Edwards Avenue- Kellogg/US-54 interchange. This portion of McCormick Avenue is a local street that runs through the Newman University campus. McCormick is designed to slow vehicular traffic as it goes through the Newman campus to the Southwest Boulevard/Edwards Avenue- Kellogg/US-54 interchange. The two-lane arterial Harry Street provides the best route to the Southwest Boulevard/Edwards Avenue- Kellogg/US-54 interchange. During the time that the Kellogg/US-54–West Street interchange is closed the City will be studying improvements to traffic circulation in this area disrupted by the temporary closure of the Kellogg/US-54–West Street interchange. These improvements may be temporary or permanent, all with the goal of improving circulation for the businesses in this area including, but not limited to, Foleys, Star Lumber’s receiving and shipping center, Concrete Accessories, Helten Enterprises, P B Hoidale Company, and Atlas Spring & Axle Company. One temporary improvement will include placing traffic lights at the Walker – West Streets intersection.

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.

- 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 December 17, 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 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 portion of the McComas Avenue 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 VAC2015-00061 proceeding to City Council for final action
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2015-00061 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) Dedicate the described vacated portion of McComas Avenue as a drainage-utility easements by separate instrument to cover all utilities. The original dedication 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 on the vacated portion of McComas Avenue shall be according to City Standards and at the applicants' expense.
- (6) The described vacated portion of McComas Avenue will remain open until the temporary traffic lights are installed and operating at the Walker and West Streets intersection.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described portion of the McComas Avenue 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 VAC2015-00061 proceeding to City Council for final action.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2015-00061 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) Dedicate the described vacated portion of McComas Avenue as a drainage-utility easements by separate instrument to cover all utilities. The original dedication 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 on the vacated portion of McComas Avenue shall be according to City Standards and at the applicants' expense.
- (6) The described vacated portion of McComas Avenue will remain open until the temporary traffic lights are installed and operating at the Walker and West Streets intersection.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

BILL LONGNECKER, Planning Staff presented the Staff Report. He reported that a protest to the application has been received. He said staff has had discussion with various business owners in the area regarding how closing McComas Avenue will impact current access to and from their businesses. He specifically mentioned M-6 Concrete and Star Lumber.

DAILEY asked about access for emergency vehicles for EMS, Police and Fire if West Street is clogged up.

LONGNECKER referred the question to City Engineering.

GARY JANTZEN, CITY ENGINEER indicated that the Wichita Fire Department has looked at this and they have no problem with the proposed plan. He said it is not ideal, the Fire Department always wants as many points of access as they can get, but they did not indicate any concerns. He said from an engineering standpoint, he understands what Commissioner Dailey is asking but they rely on the expertise of the WFD.

DENNIS asked about the temporary stop light to allow folks to turn left on West Street.

JANTZEN stated that staff is working on installing a temporary signal at Walker and West Streets which should be operational by mid-March.

DENNIS requested clarification that if this street was not being vacated, the City would not have to install the temporary traffic signal. He also asked why the City is paying for this.

JANTZEN replied that the City would not be putting in a temporary signal if McComas Avenue was not being vacated. He commented that the answer as to why the City is paying for it is above his pay grade.

RICHARDSON clarified that this would be a temporary stop light.

JANTZEN indicated that the signal was temporary in the sense of how it is constructed. He said if it is determined that this is the best way to continue to deal with traffic maybe the signal will stay. He said if this solution works well they may rebuild this location as a permanent signal.

DAILEY commented that at the Subdivision Meeting the City Traffic Engineer indicated one temporary stop light has been in place for seven years.

JANTZEN indicated that City Staff will be looking at the West Street corridor down the road in the Capital Improvement Program (CIP). He said there has been discussion regarding the possibility of widening it to five lanes to accommodate all the traffic and movements. He said sometimes having signals in certain places does not help traffic flow and can impede it. He said they may find a better alternative and not leave the signal; they do not know yet.

DAILEY asked about the right-of-way along Knight Street. He said his thought was that the property owners could sell land along Walker Street. He said he thinks since Foley is getting a street they should provide a street for another exit out to Harry Street for convenience and emergency use.

JANTZEN indicated that there is platted right-of-way along Knight Street from Harry Street north. He indicated that there are some challenges with the idea of paving Knight Street. He said obtaining right-of-way is sometimes easier said than done. He said a metal building will have to be moved on a property and indicated the location on the aerial map. He said that doesn't mean it can't be done, but it would be a timing and cost issue regardless of who pays for it. He said from his perspective they need to focus on Walker and West Street and continue to look at paving Knight Street as a possible future option. He said right now there is not enough room to build a road to industrial standards (41 feet across).

MILLER STEVENS commented that a representative from the Urban Development Office was at the Subdivision Meeting and he indicated that “other options” besides paving Knight Street were being looked at. She asked what those options were.

JANTZEN said they have been talking with other businesses in the area, particular Star Lumber, about utilization of McCormick and whether it can accommodate the truck traffic. He said right now they believe the signal at Walker and West Street will be pretty effective. He said West Street carries a lot of traffic so there will be times of the day that the signal won't work as well as others. He said they are also considering the option of utilizing Knight Street at some point in time. He said with the railroad going through the area there is not a lot that can be done without taking up a lot of private property. He said they are also looking at restriping West Street from Kellogg to Harry Street into three wide lanes, one lane in each direction with a center turning lane, to accommodate turning movements at Walker and West Street.

CHRIS BOHM, RUGGLES & BOHM, AGENT FOR THE APPLICANT introduced **LEWIS ERICKSON, CHIEF FINANCIAL OFFICER, FOLEY INDUSTRIES, 1550 SOUTH WEST STREET** who said he would briefly explain why this project was needed by Foley to remain in Wichita. He said he would be using the same presentation they gave to the Wichita City Council June 2, 2015 to request Industrial Revenue Bonds (IRB's) for the proposed expansion, which the Council voted 7-0 to approve. He said they are celebrating 75 years in Wichita and have expanded to Park City, Topeka and Kansas City. He said company employment has grown from 300 to 950 people in the last five years. He said they are proposing a 160,000 square foot addition, plus renovation of existing space which equated to \$19 million in real property improvements and \$3 million new machinery and equipment. He referred to an aerial of the area which indicated the land they owned when the expansion proposal was presented to the City Council. He also showed the property they hoped to acquire for the expansion. He said the Council said if they owned property on both sides of McComas Avenue, they could vacate the street. He said they acquired the property on the east side of McComas Avenue after the City Council Meeting.

ERICKSON said building in Wichita was not a purely financial decision. He said if that were the case, they would have relocated their headquarters to Kansas City or Topeka. He said he is a Wichita State University alumnus and the business was started in Wichita 75 years ago. He said they have a lot of ties to the community and feel a certain loyalty to the people who helped the business grow. He briefly reviewed facilities that are located in both Kansas City and Topeka. He said there is pressure to move the business to Kansas City and mentioned several issues including location of their insurance company and the fact that the Kansas City facility was located in a Tax Increment Financing (TIF) zone.

ERICKSON said at the City Council they asked for three things: 1) Tax abatement; 2) Sales tax exemption (both of those to help with the costs of staying in Wichita); 3) architectural assistance. He added that they also asked for assistance to vacate McComas Avenue. He said they plan on putting in “dozer crosswalks” to go across McComas Avenue and dozers tend to tear up concrete. He added that they also plan on shaving the curbs along McComas Avenue so equipment can be moved back and forth across the street very easily. He said because the equipment moves very slowly, leaving McComas Avenue open as a public street would be a safety concern. He concluded by stating that security was also an issue since the area is crime ridden.

BOHM said he wanted to make a point or two about traffic. He referred to the signal at Walker and West Street and also the odd routes that go through the neighborhood. He mentioned going straight on Walker and south on Florence down to Harry Street as an option. He said the purpose of this request has come about after several years of planning. He mentioned that West Street is a major arterial providing traffic access for industrial users. He said as companies along the arterial want to expand it makes good sense that West Street is set up to handle that. He said there has been discussion about using other roads and building new roads and all of this is complicated by the construction at the interchange of Kellogg and West Street. He said it is difficult to do a traffic study because traffic patterns will be changing. He mentioned two meetings with surrounding property owners and City officials where the idea of a temporary traffic light at Walker and West was developed, which they think will serve the neighborhood well.

CHRIS GOEBLE, CHAIRMAN, CEO, STAR LUMBER SUPPLY said they operate a 27-acre, 17-building corporate distribution center and manufacturing facility with the main gate at McComas Avenue Street and Irving Avenue. He said they are pleased to see Foley grow in this location and have seen their plans a couple of times. He said he thinks it makes perfect business sense for them to request the vacation of McComas Avenue. He said as a 35+ year neighbor in this location their dilemma is they use McComas Avenue occasionally and now that the Kellogg intersection ramps at West Street will be closed, they are using McComas Avenue every hour of every day, so the timing of this request is tough for them. He said the 2015 gate log at McComas Avenue Street and Irving showed 72,000 vehicles last year, 16,000 of which were heavy, CDL type trucks. He said as far as how the trucks make movement, 90% of the time they will make right turns from Irving onto West Street and then either right or left onto Kellogg. He said early in the morning or late at night they can make those types of moves, but sometimes during the day they cannot because of traffic. He said they can either take a left on West Street down to Harry Street or go down McComas Avenue and turn left on Harry Street, which is the easiest. He said they could also go right on West Street and go to McCormick and make their way through Kansas Newman University campus. He said the problem for them is Newman is their neighbor and friend and they have asked them not to run truck traffic through the university campus. He said a truck slips through every once in a while because it is a public street. He said at the Subdivision meeting they did ask that the temporary signal at West Street be installed before the vacation of McComas Avenue. He said as long as that stays intact they are in support of the vacation request. He said they not sure what is going to happen with traffic flow once West Street is completely improved. It may be easier for their trucks to make right turns. He said their trucks will not jog over 2-3 miles to the next intersection unless they are forced to do that. He said they use the West Street interchange every chance they can unless there is an accident or road construction.

DAILEY asked about going across West Street to Florence Street and then down to Harry Street.

GOEBLE said they knew they could do that. He mentioned that West Street will be down to two through lanes for approximately 18 months, so they are going to have to maneuver much more than they do today.

TODD asked if the applicant delayed the vacation of McComas Avenue for 18 months if that would be helpful.

GOEBLE said he heard that the project would take approximately 18 months from the contractor.

JOHNSON asked the speaker if he would be in favor of making the light at West Street and McCormick permanent.

GOEBLE said the Traffic Engineer said it depends on how the traffic shakes out. He said he believes once the intersection is rebuilt at West Street with two through lanes, it is going to be a problem because traffic backs up to Harry Street now. He said they are trusting that Traffic Engineering is looking at some long term solutions and they understand that may take some time.

MCKAY asked for clarification on the 18 month time line and the signal at West St. and McCormick Streets.

GOEBLE said if Knight Street takes place, they are no different then they are today and maybe the temporary light could be removed. He said he personally believes rebuilding the West Street interchange to five lanes is the best solution, but that takes money.

CHAIR NEUGENT clarified that if item #6, which was the temporary signal, is installed then the speaker was supportive of the vacation request.

GOEBLE said yes.

J.D. MUNLEY, PRESIDENT/OWNER, M6 CONCRETE ACCESSORIES, 1030 SOUTH MCCOMAS AVENUE referred to his business on the aerial map located north on McComas Avenue including a warehouse to the east. He said the property was purchased with McComas Avenue being the secondary access. He said he told the Subdivision Committee that they are happy that Foley wants to expand in Wichita and are very supportive of that; however, they cannot commit institutional suicide. He said everyone is aware of what the traffic is like on West Street. He said they have approximately 90 pick-up trucks coming into and leaving their yard on a daily basis during the construction season from March through October. In addition, he said they have approximately 27 semis that are either leaving the yard or delivering materials to be unloaded. He said they want to be supportive of Foley's project, but can't in good conscience say they are for it if they are going to lose secondary access to their property. He said they have looked at this and talked to some realtors and they are worried about their property values and the fact that no one is going to want to buy a warehouse with one way in and out of it. He said this is a problem. He said he is willing to swallow hard and go a mile or two out of the way on a temporary basis in the name of progress; however, if you tell him that is a permanent thing that they have to do every day; they wouldn't be in this location. He said they have some issues even though they want to be supportive. He said they want the project and jobs in Wichita because they know how important jobs are in this day and age. He said they don't want to get crushed in this deal. He said another property owner was present at today's hearing with some of the same issues. He said Star has a secondary way out if they want to take it; he does not and that is an issue.

WARREN asked the speaker if he had an alternative to suggest?

MUNLEY said he has been fairly optimistic up to this point that Knight Street was a very real possibility, but realistically, he doesn't know if that is politically possible. He said if he was a City Councilman from the east side of town and you told him you were going to spend a million dollars out of the general fund for two companies; he would not vote for that. He said this is a problem because a couple of companies will become trapped by vacation of this street. He said the Commission is going to have to try to figure out what was the right thing to do on this. He said he has protested the request to guard himself legally. He said he can rescind the Protest Petition if a viable option is developed.

ELLISON asked about Foley's traffic. He asked what that consisted of because he feels that will compound the situation in his opinion.

CHAIR NEUGENT suggested the Commission come back to that question during the applicant's rebuttal.

MUNLEY added that they are okay with the temporary signal and making it a permanent signal as long as there are three lanes on West Street. He said City staff looked at how much of his land they would have to take to grow that intersection so it could handle semi-trucks and they would have to take 40-50% of the display and parking area in front of his building. He said if that happens because of West Street expansion down the road so be it, but to specifically take the land for this project that they get no benefit from and lose a lot, he has a problem with that.

RICHARDSON requested clarification on the exact location of the speaker's business. He said the speaker referred to one way in and one way out. He asked then the speaker doesn't count going up McComas Avenue to Irving Street.

MUNLEY admitted it was a way out but both of those ways deal with West Street traffic and there are certain times of the day that you can't turn left onto West Street.

RICHARDSON clarified that the speaker would be stuck with the signal at West Street and McComas Avenue and that he would like a way to Harry Street.

MUNLEY said yes because they can go to the light on Harry Street and West Streets now.

DAILEY mentioned crossing West Street and going south on Florence Street to Harry Street Street.

MUNLEY said it is inconvenient and costly, but it would be okay on a temporary basis. However, he added that without a secondary way to get out quicker, the City is asking them to sacrifice a lot of money over next 20 years for this project. He said he is between a rock and a hard place.

JOHNSON asked Mr. Munley how much time he has spent with the City regarding this issue.

MUNLEY commented that City Staff has been great, but part of his problem is that M6 Concrete hasn't known about the project. He said the sign on the fence is the first they have heard about it, so they have not had a lot of time to react and he is ticked off about that.

SCOTT RIDLEY, CITY OF WICHITA ASSISTANT CITY MANAGER mentioned meetings with members of the public present at this meeting. He said the area is a challenge because of the growth of Wichita and progress in the area. He said West Street is an active street which is a good thing in many ways. He said they are all in the business of creating more jobs for Wichita. He said the temporary signal was his suggestion and added that the City does not know how long that is going to be in place. He said he believes there is a project in the CIP about ten years out to improve the West Street corridor and it may come sooner or later depending on demand. He said the City looks at projects in the CIP and identifies if a project needs to move based on traffic and safety concerns. He said the City has made a commitment to the property owners to continue to look at the traffic situation in the area regardless of what happens with McComas Avenue. He said in general the City supports Foley's expansion and the request to vacate McComas Avenue. He said City Traffic Engineers will evaluate and monitor the situation and decide how to best improve traffic flow for the area.

TODD asked if there was any discussion about the City stepping up to the plate and acquiring right-of-way up to Walker Street and paving Knight Street.

RIDLEY said they have looked at a number of options. He said they don't know if Knight Street is the true answer to the question. He said there are a lot of unknowns including the impact of Kellogg once it gets improved and what that will do to traffic. He said traffic patterns may change. He said they will continue to explore Knight Street as an option.

JOHNSON asked how much time is available before they are impacting Foley's potential expansion.

LEWIS ERICKSON, CHIEF FINANCIAL OFFICER, FOLEY INDUSTRIES said Foley has selected a general contractor and hoped to kick off construction in March, 2016.

JOHNSON asked how realistic is it to think that the City can come up with a solution to this problem within a month or so. He said he does not feel as a Commission they should be making a planning decision that is so detrimental to everyone concerned. He said it does not appear at this point in time that the City has a solution that is going to make everybody happy. He said Star seems to be okay temporarily but nothing is going to please M6 Concrete. He said he doesn't know how to approach the problem or how much time has been spent trying to find a solution.

RIDLEY said Staff has spent considerable time over the last month and has held a couple of meetings with surrounding property owners. He said he does not have a firm answer as to what the solution might be. He said staff needs to evaluate the impact of the temporary intersection signalization. He said they also need to determine if Knight Street is a consideration. He said it is difficult for him to say if they will have a solution within the next two weeks that addresses everyone's concerns. He said the City has committed to continue to look at the situation, traffic patterns and circulation in the area.

DENNIS said he was a little disappointed in the City because they have known about this since June, 2015 when Foley presented their IRB request. He said everyone wants to support Foley, Star and M6 Concrete but the City has had since June, 2015 to come up with a plan to help these folks. He said it seems like the City should have a plan by now.

RIDLEY he said the City has stepped forward and committed dollars to improve the intersection of West Street and Walker Street. He said they don't know the impact of these changes until Kellogg is done. He said they could do other improvements and then find out they misspent dollars because a problem was resolved because of Kellogg. He said the better way is to take incremental steps and find out if the traffic signal works or is less than effective. He said staff is working on it and within the last month other property owners in the area have come forward and expressed their concerns.

JOHNSON asked if he mischaractered something that Mr. Munley said he and would like to hear him again. He said he believed Mr. Munley said there was no solution that he knows of that will satisfy him. He asked what Munley would be happy with.

MUNLEY said he doesn't expect to be fully satisfied in this. He said City Staff has been responsive and there will probably be more meetings after this hearing no matter how the Planning Commission votes. He asked if they could keep McComas Avenue temporarily open until staff figures out these long term questions. He said Foley may not want to commit to that. He said he wants to have more knowledge about what is going to happen two years from now. He said he is willing to work with staff and Foley to figure out how to fix this. He said he is not going to be totally happy but he is okay as long as any solution is reasonable.

BOHM said this is a wonderful situation to be in when you have businesses expanding in an industrial area and they have to address the issues of increased traffic with more people and product moving in and out of the area. He said there will be 18 months with Kellogg disrupted and there is time there to look at this corridor and determine if any change will allow others along that corridor to grow also. He concluded by saying that Mr. Erickson had some traffic numbers to report.

ERICKSON said that approximately 18,000 large trucks a year and 68,000 pickups are currently coming in off of West Street. He said he echoes what the representatives of M6 Concrete and Star said and that is the City has been great to work with. He said they don't want to cause anyone problems. He said they agreed in the Subdivision Committee meeting to not make the vacation effective immediately. He said they are open for other options. He said they would love a win/win/win situation, but it looks like it is becoming someone wins and someone loses and they would like to avoid that. He said anything they can do within reason they are happy to try.

MCKAY mentioned Foley's timetable and asked about the possibility that Foley do their construction work and let the other businesses utilize McComas Avenue. He asked about a completion date.

ERICKSON said they would be open to pushing the effective date of the vacation back. He said they are looking at completing the expansion project between March and April, 2017.

MCKAY commented if the City decides that they can utilize Knight Street Street, would Foley be willing to participate financially with buying the right-of-way or something to that effect since they are getting McComas Avenue vacated.

ERICKSON said they would be open to options on financial participation as long as they are not the only one.

DENNIS mentioned the previous conversation about installing crossings across McComas Avenue and asked Mr. Erickson to elaborate on that.

ERICKSON mentioned making improvements to the street to create a dozer “crosswalk” so the tracks don’t tear up the concrete. He said he does not know if that will create issues for general traffic. He said if the surrounding companies are willing to run their trucks over those crosswalks that opens up more options.

MCKAY suggested maybe the businesses in the neighborhood can work together and work something out.

DAILEY asked about the ownership list and if the notices were sent by Certified Mail.

LONGNECKER confirmed that M6 Concrete was on the ownership list so a notification letter was sent by regular U.S. Mail.

DOOL asked if Knight Street Street was put in, would a special assessment district be developed.

JANTZEN responded that was a great question and staff does not know the answer to that yet. He said historically a benefit district would be established by State Statute and those properties abutting Knight Street Street would pay for the cost of any improvements. He said he has seen some “hybrids” of that formula where the City has participated in the cost.

DAILEY commented since Foley is getting the street and the land under it. He asked why shouldn’t the people who are getting a street pay for a street. He asked staff what information they had on that and if that has been done in the past.

JANTZEN said he can’t say specifically if that has happened previously. He added that from an engineering standpoint he usually does not get involved in those types of negotiations. He mentioned that Foley said they are willing to participate. He said some type of partnership makes sense.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation to be effective February 1, 2017.

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

MCKAY said the Commission can’t do any negotiating but Foley did indicate they would be willing to work with the neighboring businesses and let them use the vacated street.

ERICKSON clarified that in addition to installing steel beams they will be removing curbs so wheeled equipment can go over them easily. He said if they can work on those things while the street is still being used, they would not object.

DENNIS suggested that the motion be amended to allow Foley to work on the street.

WARREN said he did not necessarily see that as part of the motion.

CHAIR NEUGENT said if the vacation is not effective until next year, then McComas Avenue is still a public street. She deferred to the City Attorney.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY said he believes the Commission, by deferment of the effective date of vacation, is allowing a private agreement to take place. He said once the street is vacated, the private agreements the Commission is referring to can take place because it would be restricted use on private property. He said while the street is not vacated, it is a public road. He commented that the City Council could close the street for the one year period.

CHAIR NEUGENT clarified that requesting that the City Council close the street to the general public and defer the effective date of the vacation request could be part of the motion.

MILLER STEVENS said there was a similar discussion along these lines at the Subdivision Committee Meeting and the Committee's concern was that McComas Avenue remain open as a public street until the temporary signal was operational at Walker and West Streets. Then leave it to Foley and the other businesses to work out any private negotiations on access to the property during construction or whatever between themselves. She said the Planning Commission can't make those decisions for them, but what they do have control over is deferring the vacation request until the temporary signal is functional at West and Walker Streets.

SUBSTITUTE MOTION: To approve the vacation request effective when the temporary signal is installed and functional at West and Walker Streets; and that the applicant enter into a private agreements with the surrounding businesses for access to the vacated street.

MCKAY moved, **DOOL** seconded the motion.

JOHNSON said he was concerned about security during construction if McComas Avenue is left open.

ERICKSON said once McComas Avenue is vacated, they could gate it. He said they would like to fence the whole perimeter of their property and put a gate on the north and south of McComas Avenue. He said they could then enter into agreements that other business's trucks could use the street until the March, 2017 timeframe.

JOHNSON said he would feel better about the vote if the Commission knew what the private agreements are going to be and that they will be intact.

VANZANDT commented that the Planning Commission cannot require that the applicant enter into private agreements. He said that is an issue with the substitute motion. He mentioned the possibility of using the language "encourage" use of private agreements, but the Board does not have the ability to mandate that.

The **SUBSTITUTE MOTION WAS AMENDED** to "encourage" the applicant to enter into private agreements with the surrounding businesses for access to the vacated street.

DENNIS said if the Commission is encouraging a private agreement, the applicant needs to understand that they are taking on some liability for allowing people to cross their land. He wanted to know if they were willing to accept that liability.

ERICKSON thanked Commissioner Dennis for that reminder. He said they believe they can work out some kind of an agreement with the neighbors that will indemnify them.

DIRECTOR MILLER clarified so the vacation will be deferred but in the meantime, to address the insurance or liability issues, the applicant could ask the City Council to close the street to the public and work out an agreement with those businesses who need to use it.

FOSTER said he wanted to insure that there was an understanding in this discussion and thought process that the extension of the vacation request was to develop a long term solution in the area. He said if the private agreements end and there has been no solution, than nothing has been accomplished.

MCKAY said the Planning Commission's task is to either vacate or not vacate the street. He said how the applicant does all the other things is up to them. He said the Commission can make suggestions and encourage the neighbors to work together. He said the intent of his motion was to let the applicant have the vacation and control access to the street, which is different from what Director Miller stated.

CHAIR NEUGENT reiterated the **SUBSTITUTE MOTION** to grant the vacation request depending on when the temporary signal is completed at Walker and West Streets; and encourage businesses to make private agreements for street access for approximately one year from when the signal is installed at Walker and West Street.

JOHNSON said once the Commission grants the vacation, the other parties have no negotiating power so that is why he can't support that motion.

TODD said he thinks a date needs to be added.

MCKAY commented they can't dictate to the City when the signal needs to be installed.

FOSTER asked if the motion allows for adjacent property owners to cross the applicant's property.

VANZANDT said once the property is vacated it becomes private property and can only be crossed with the applicant's permission.

JOHNSON commented by letting the neighbors use the street the applicant is deferring their inconvenience for another year. He said that still does not solve the problem. In the meantime, the City will work with the neighbors to find a permanent solution. He said he is hesitant because he felt now was the time to come up with a permanent solution if they want the entity getting the benefit of the street closure to participate.

It was voted 14-0 to **CALL THE SUBSTITUTE MOTION.**

SUBSTITUTE MOTION carried 13-1. **DAILEY** – No.

PUBLIC HEARINGS

4. **Case No.: CON2015-00037 (Deferred from 1-7-16 MAPC)** - BOOP, LLC (owner); Flint Hills Materials (applicant) and K.E. Miller Engineering, c/o Kirk Miller (agent) request a County Conditional Use permit for an Asphalt Plant or Concrete Plan on LI Limited Industrial zoned property, generally located on the west side of Woodlawn Boulevard/63rd Street East and 1/2 mile north of K-254.

CHAIR NEUGENT reported that the case had been withdrawn.

5. **Case No.: ZON2015-00052** - Paul D. & Virginia M. Treadwell; R. Brandon Wilson; H. Wayne & Glenda R. Foster and Robert and Jeanneane M. Hall (owners/applicants) and MKEC Engineering, Inc., c/o Brian Lindebak (agent) request City zone change from SF-5 Single-family Residential and GC General Commercial to LI Limited Industrial.

CHAIR NUGENT announced that the item had been deferred to the February 4, 2016 meeting.

6. **Case No.: CON2015-00039** - Gordon and Hanh Norris request a City Conditional Use permit to allow outdoor vehicle and equipment sales on LC Limited Commercial zoned property.

CHAIR NUGENT announced that the item had been withdrawn.

NON-PUBLIC HEARING ITEMS

The Metropolitan Area Planning Commission adjourned at 3:55 p.m.

Workshop Session

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 _____, 2016.

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

(SEAL)

STAFF REPORT

CASE NUMBER: VAC2016-00001 - Request to vacate an easement created by the vacation of public street right-of-way

OWNER/AGENT: Timothy McGinty (owner/applicant) KE Miller c/o Kirk Miller (agent)

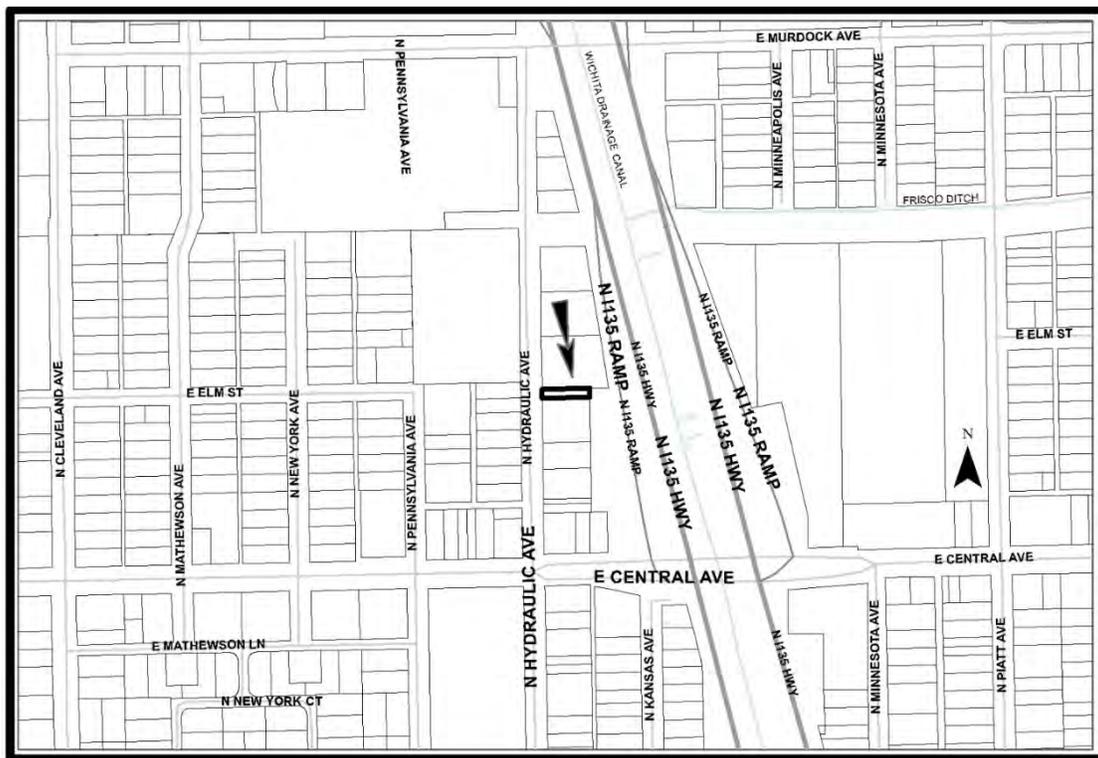
LEGAL DESCRIPTION: Generally described as vacating a 25-foot wide (x) 135-foot long utility easement created by the vacation of a portion of Elm Street (V-1114, approved November 9, 1983, Vacation Ordinance #38-447) located between Hydraulic Avenue (west side) and I-135, Lot 25, Ratliffes Addition south side) and Lot 3, McGinty Addition (north side), Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Central Avenue on the east side Hydraulic Avenue (540 N. Hydraulic - WCC #I)

REASON FOR REQUEST: Building addition

CURRENT ZONING: The site and the abutting south property are zoned GC General Commercial. Abutting north property is zoned LI Limited Industrial. Adjacent west (across Hydraulic Avenue) properties are zoned GC & LI. Abutting east property is I-135 right-of-way.

VICINITY MAP:



The applicant proposes to vacate a 25-foot wide (x) 135-foot long utility easement created by the vacation of a portion of Elm Street located between Hydraulic Avenue (west side) and I-135, Lot 25, Ratliffes Addition south side) and Lot 3, McGinty Addition (north side); V-1114, approved November 9, 1983, Vacation Ordinance #38-447. There is a sewer line and manhole located in the east portion of the subject easement. This sewer line continues north onto the abutting north property's (Lot 3, McGinty Addition) platted utility easement; see NOTES. AT&T has underground lines located in the subject easement. The applicant and AT&T are working for resolution, via a private agreement. Westar Energy has lines and equipment in the easement. Becky Thompson is the Area Representative is working with the applicant to relocate the existing equipment. She can be reached at 261-6320.

NOTE: VAC2015-00057 was a request 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; this request has not gone to City Council for final action. 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 utility easement created by the vacation of a portion of public street right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 28, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described utility easement created by the vacation of a portion of public street right-of-way and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to 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, specifically the sewer line and manhole that is located in the subject easement. As needed provide approval from franchised utilities, in particular from Westar and AT&T, for the relocation of franchised utilities. Becky Thompson is the Area Representative is working with the applicant to relocate the existing equipment. She can be reached at 261-6320. All to be provided to the Planning Department prior to this case going to City Council for final action.

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

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities, specifically the sewer line and manhole that is located in the subject easement. As needed provide approval from franchised utilities, in particular from Westar and AT&T, for the relocation of franchised utilities. Becky Thompson is the Area Representative is working with the applicant to relocate the existing equipment. She can be reached at 261-6320. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

The applicant proposes to vacate a 16.5-foot wide sewer easement (east-west) dedicated by separate instrument; Misc. Book 150 – Pages 604-606, recorded March 29, 1940. The north side of the site's building (built 1971, 2006, 2014) covers most of the subject easement. There is a sewer line (northwest-southeast) located in an east portion of the subject easement. This east portion of the subject easement is located in a parking lot and has no structural encroachments. There is also a platted 12-foot wide utility easement that covers the subject sewer line; this easement will remain in place. Westar Energy has lines and equipment near the areas requested to be vacated. LaDonna Vanderford, is the Area Representative and will be the contact should the equipment need to be relocated or removed. She can be reached at 261-6490.

The applicant is also requesting the vacation of a portions of the platted setbacks: (a) The east four feet of the platted 29-foot wide street side yard setback located on the west side site and running parallel to Bluff Avenue, and; (b) The west four feet of the platted 35-foot wide street side yard setback located on the east side of the site and running parallel to Navajo Street. The LI zoning district has no minimum street side yard setback. The Poston Addition was recorded with the Register of Deeds July 13, 1973.

NOTE: The applicant has provided a Final Judgement, recorded March 21, 1953, Misc. Book 301, Pages 541-543, that is not legible and as such Staff cannot comment on its contents.

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

- 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 January 28, 2016, 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 a sewer easement dedicated by separate instrument and portions of platted street side yard setbacks 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) Westar Energy has lines and equipment near the areas requested to be vacated. LaDonna Vanderford, is the Area Representative and will be the contact should the equipment need to be relocated or removed. She can be reached at 261-6490. Any and all relocation and removal of existing equipment due to this vacation request shall be the responsibility and at the expense of the applicant to City Standards. 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) Dedicate by separate instrument, with original signatures, an additional 8 feet of easement to the platted 12-foot wide utility easement generally located along the north side of Lot 1, Poston Addition. This must be provided to Planning prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Vacate the east 4 feet of the platted 29-foot street side yard setback located on the west side of Lot 1, Poston Addition and running parallel to Bluff Avenue. Vacate west four feet of the platted 35-foot wide street side yard setback located on the east side of Lot 1, Poston Addition and running parallel to Navajo Street.
- (4) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (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) Westar Energy has lines and equipment near the areas requested to be vacated. LaDonna Vanderford, is the Area Representative and will be the contact should the equipment need to be relocated or removed. She can be reached at 261-6490. Any and all relocation and removal of existing equipment due to this vacation request shall be the responsibility and at the expense of the applicant to City Standards. 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) Dedicate by separate instrument, with original signatures, an additional 8 feet of easement to the platted 12-foot wide utility easement generally located along the north side of Lot 1, Poston Addition. This must be provided to Planning prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Vacate the east 4 feet of the platted 29-foot street side yard setback located on the west side of Lot 1, Poston Addition and running parallel to Bluff Avenue. Vacate west four feet of the platted 35-foot wide street side yard setback located on the east side of Lot 1, Poston Addition and running parallel to Navajo Street.

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

BACKGROUND: The applicant requests a zone change from LC Limited Commercial (“LC”) and SF-5 Single-family Residential (“SF-5”) to LI Limited Industrial (“LI”) on a 5.5 acre unplatted tract located north of 21st Street North, along the west side of North Hoover Road (2241 and 2249 N. Hoover Rd.) The subject site is currently developed with residential structures and various accessory structures. The applicant proposes to redevelop the property with wholesale and warehousing uses.

The surrounding area is characterized by mixed-use suburban-density residential and commercial/industrial development. Properties to the north is currently zoned LI and is developed with warehouse uses and a church. The property developed with the church was rezoned to LI in 2002 (ZON2002-00065). Property south of the subject site is zoned LC and is developed with an office. Directly west of the subject site is railroad right-of-way and on the other side of the railroad, the property is zoned GC General Commercial (“GC”) which is developed with a strip office center. To the east of the subject site, across Hoover Road, the property is zoned LI (rezoned in 2000 ZON2000-00012) and developed with warehouse-office combination and a vehicle repair service.

The developed industrial properties surrounding the subject site that required a rezone were approved with Protective Overlays that limit the uses and increased setbacks and screening standards. To maintain consistency with those other approvals, planning staff recommends that the subject property be developed under the same Protective Overlay provisions.

CASE HISTORY: There is no history of any past land use cases on this site and the site is currently unplatted. Property directly north of the site was rezoned to LI with a PO in 2002 (ZON2002-00065) and property east of the subject site, across N. Hoover, was also rezoned to LI with a PO in 2000 (ZON2000-00012.) The site is currently in the process of being platted (Lighthouse Addition) and was approved by the MAPC on February 4th, 2016.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Warehouse/Church
SOUTH:	LC	Office
EAST:	LI	Warehouse/Vehicle Repair
WEST:	GC	Strip Office Center

PUBLIC SERVICES: North Hoover Road is a paved, 2-lane, arterial with a (currently) 80-foot right of way. The proposed plat of Lighthouse Addition shows additional right-of-way dedication. All other public utilities are available.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies this site as appropriate for residential, commercial and industrial types of uses. According to the map, this site is an island of residential surrounded by commercial and industrial. The residential identification encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The commercial identification encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality, and the industrial identification encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality.

The Locational Guidelines of the Community Investment Plan indicates that industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design

features sufficient to mitigate adverse impacts.

The location abides by the Future Land Policies for Design (1d&e) with the site being surrounded by industrial and commercial zoned properties providing an appropriate buffer to the nearest low-density residential uses (the nearest being 300 feet north of the subject site) and the remaining uses surrounding the site already commercial or industrial in nature.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to platting within one year and subject to the following provisions of Protect Overlay #304:

1. The following uses permitted in the LI Limited Industrial (“LI”) zone district shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and concrete plant (general), gas and fuel storage and sales, landfill, mining or quarrying, oil or gas drilling, rock crushing, solid waste incinerator, transfer station, vehicle storage yard and agricultural processing.
2. The subject property shall have an increased front building setback of 35 feet.
3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

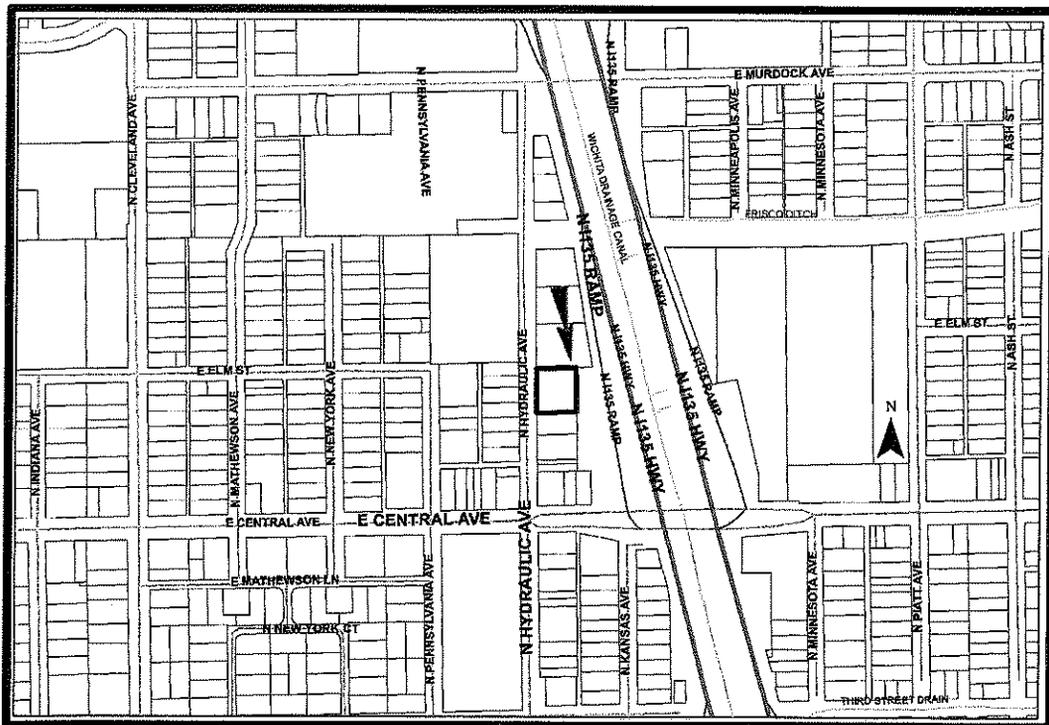
This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** Property to the north is currently zoned LI and is developed with warehouse uses and a church. Property south of the subject site is zoned LC and is developed with an office. Directly west of the subject site is railroad right-of-way and on the other side of the railroad, the property is zoned GC General Commercial (“GC”) which is developed with a strip office center. To the east of the subject site, across Hoover Road, the property is zoned LI and developed with warehouse-office combination and a vehicle repair service.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and LC and is currently developed with single-family residences. However, property surrounding the site has developed with commercial and industrial uses, thus reducing the site’s desirability for future single-family residential development.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Residential neighbors further north of the site could be impacted with increased noise, light, trash, traffic and activity from development under LI zoning. However, these impacts would not be new to the area as significant commercial and industrial zoning and development already exists in the area. Proposed provisions of the Protective Overlay will mitigate any possible negative impacts. The compatibility standards of the UZC should mitigate these impacts on nearby residences.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies this site as appropriate for residential, commercial and industrial types of uses. According to the map, this site is an island of residential surrounded by commercial and industrial. The residential identification encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The commercial identification encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality, and the industrial identification encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Community Investment Plan indicates that industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts. The location abides by the Future Land Policies for Design (1d&e) with the site being surrounded by industrial and commercial zoned properties providing an appropriate buffer to the nearest low-density residential uses (the nearest being 300 feet north of the subject site) and the remaining uses surrounding the site already commercial or industrial in nature.
- (5) **Impact of the proposed development on community facilities:** The proposed zone change could bring increased commercial and industrial traffic; however, that traffic already exists at this location. All other services are in place, any increased demand on community facilities can be handled by existing infrastructure.

STAFF REPORT
 MAPC February 18, 2016
 DAB I March 7, 2016

- CASE NUMBER:** ZON2016-00002
- APPLICANT/AGENT:** Timothy McGinty, Jr (owner/applicant) KE Miller, c/o Kirk Miller (agent)
- REQUEST:** LI Limited Industrial
- CURRENT ZONING:** GC General Commercial
- SITE SIZE:** Approximately 0.46-acres
- LOCATION:** Generally located north of East Central Avenue on the east side of North Hydraulic Avenue (540 N. Hydraulic Ave - WCC I)
- PROPOSED USE:** Expansion of applicant's machine shop



BACKGROUND: The applicant is requesting LI Limited Industrial (LI) zoning on the 0.46-acre, platted GC General Commercial (GC) zoned site located north of East Central Avenue, on the east side of North Hydraulic Avenue. The applicant owns a machine shop (United Machine, built 1965, 1991, per the Appraiser’s web site) that manufactures aircraft parts on the north abutting LI zoned property. The manufacturing of aircraft parts fits into the Unified Zoning Code’s (UZC) definition of “general manufacturing”; UZC, Sec.II-B.8.e. The LI zoning district permits general manufacturing by right; UZC, Sec.III-B.20.b.4. The proposed LI zoning will allow the applicant to expand the machine shop operation onto the site, without the restrictions imposed by the GC zoning district; UZC, Sec. III-D.6.n.; “...the entire frontage of the ground floor along the principal Street frontage is used for office space, display or wholesale or retail sales.” The site has a vacant building (built 1953) on it that was previously used as a gymnastic venue.

This portion of Hydraulic Avenue, between Central Avenue and Murdock Avenue, is a mix of LI and GC zoned mostly small-medium size businesses including, but not limited to, office-warehouses, a medium-large office-warehouse (built 1955, 1980, 1990, 2011, 2014), a medium-large commercial printer (1951, 1957, 1961, 1963, 1970, 2000) , a wholesale flooring office-warehouse (1985), a small body and paint shop with vehicles stored/parked outdoors, a granite sales office-warehouse (1950, 1960, 1975), undeveloped land, a Dog and Shake fast food restaurant (1978), small free standing retail building (1980), a small commercial strip building, the applicant’s vacant building and the applicant’s machine shop.

CASE HISTORY: The site is Lots 25, 27, 29, 31 and 33, together with the south half of vacated Elm Street adjoining said Lot 25 on the North, in Ratliffe’s Addition. The Ratliffe’s Addition was recorded February 16, 1924. Vacation case V-1114, vacated that portion of Elm Street that is now part of the application area; approved November 9, 1983, Vacation Ordinance #38-447. VAC2016-00001 is a request to vacate a 25-foot wide by 135-foot long utility easement created by V-1114. VAC2016-00001 was approved by the MAPC’s Subdivision Committee at their February 11, 2016, meeting and is on today’s MAPC agenda for consideration.

ADJACENT ZONING AND LAND USE:

NORTH: LI Machine shop and shipping and receiving, granite sales office- warehouse
SOUTH: GC Vacant building, wholesale flooring office-warehouse, fast food restaurant, free standing commercial building, commercial strip building
EAST: I-135 Interstate highway I-135
WEST: GC, LI Office-warehouses, commercial printer, undeveloped land, body and paint shop

PUBLIC SERVICES: All utilities are available to the site. Access to the site is provide by the Hydraulic Avenue, a paved two-lane, two-way arterial public street.

CONFORMANCE TO PLANS/POLICIES: The “2035 Urban Growth Area Map” of the “2015-2035 Community Investment Plan/Comprehensive Plan identifies the site being in Wichita’s “established central area.” The established central area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three-mile radius. The

established central area is the focus area for the Wichita Urban Infill Strategy, which encourages infill development and maximizing public investment in existing and planned infrastructures and services. The established central area also promotes mixed use redevelopment of existing commercial centers along arterial streets.

The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “industrial” development. The industrial category reflects the full diversity of industrial intensities and types found in a large urban municipalities. Concentrations of manufacturing, warehousing, distribution, construction research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing, or refinement of natural resources or recycling of waste materials are typically found along rail lines. Businesses with negative impacts associated with noise, hazardous materials, visual blight, and order typically are buffered from residential uses by commercial uses.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning is in character with the area. The proposed LI zoning will allow expansion of the applicant’s machine shop, which is infill development. The area’s collection of office-warehouses, wholesale building materials, a machine shop, a commercial printer, etc., matches the 2035 Wichita Growth Concept Map designation of the site and the area it is located in as industrial. The areas’ uses do not present negative impacts associated with noise, hazardous materials, visual blight; the exception may be the paint and body shop, vehicles stored/parked outdoors.

The site is located within the “McAdams Neighborhood Revitalization Plan.” The Plan’s “Future Land Use Redevelopment Concept” shows the as suitable for “general industrial and warehousing.” The proposed LI zoning and the applicant’s machine shop fits into the Plan.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed LI zoning be APPROVED.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** The area is a mix of LI and GC zoned mostly small-medium size businesses including, but not limited to, office-warehouses, a medium-large office-warehouse (built 1955, 1980, 1990, 2011, 2014), a medium-large commercial printer (1951, 1957, 1961, 1963, 1970, 2000) , a wholesale flooring office-warehouse (1985), a small body and paint shop, a granite sales office-warehouse (1950, 1960, 1975), undeveloped land, a Dog and Shake fast food restaurant (1978), small free standing retail (1980), a vacant building (1953, owned by the applicant) and the applicant’s machine shop.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The proposed LI zoning will allow the applicant to expand the machine shop onto the site, without the restrictions imposed by the GC zoning district; UZC, Sec. III-D.6.n.;

“...the entire frontage of the ground floor along the principal Street frontage is used for office space, display or wholesale or retail sales.” The proposed LI is in character with the area’s existing LI and GC zoning.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed LI zoning that will allow the expansion of the machine shop, which is in character with the area’s other LI and GC zoned businesses. The proposed expansion will also offer employment opportunities.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2035 Urban Growth Area Map” of the “2015-2035 Community Investment Plan/Comprehensive Plan identifies the site being in Wichita’s “established central area.” The established central area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three-mile radius. The established central area is the focus area for the Wichita Urban Infill Strategy, which encourages infill development and maximizing public investment in existing and planned infrastructures and services. The established central area also promotes mixed use redevelopment of existing commercial centers along arterial streets.

The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “industrial” development. The industrial category reflects the full diversity of industrial intensities and types found in a large urban municipalities. Concentrations of manufacturing, warehousing, distribution, construction research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing, or refinement of natural resources or recycling of waste materials are typically found along rail lines. Businesses with negative impacts associated with noise, hazardous materials, visual blight, and order typically are buffered from residential uses by commercial uses.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning is in character with the area. The proposed LI zoning will allow expansion of the applicant’s machine shop, which is infill development. The area’s collection of office-warehouses, wholesale building materials, a machine shop, a commercial printer, etc., matches the 2035 Wichita Growth Concept Map designation of the site and the area it is located in as industrial. The areas uses do not present negative impacts associated with noise, hazardous materials, visual blight; the exception may be the paint and body shop, vehicles stored/parked outdoors. The site has access onto Hydraulic Avenue, which allows access onto Central Avenue and I-135, which abuts the east side of the site.

The site is located within the “McAdams Neighborhood Revitalization Plan.” The Plan’s “Future Land Use Redevelopment Concept” shows the as suitable for “general industrial and warehousing.” The proposed LI zoning and the applicant’s machine shop fits into the Plan.

- (1) **Impact of the proposed development on community facilities:** The site may generate an additional amount of industrial truck traffic onto Hydraulic Avenue, which allows access onto Central Avenue and I-135, which abuts the east side of the site.

STAFF REPORT
 MAPC February 18, 2016
 DAB VI February 17, 2016

CASE NUMBER: CON2016-00002

APPLICANT/AGENT: Tom George Investments, LLC (applicant/owner) Dean Chesnut, Martin's Central Sand (agent)

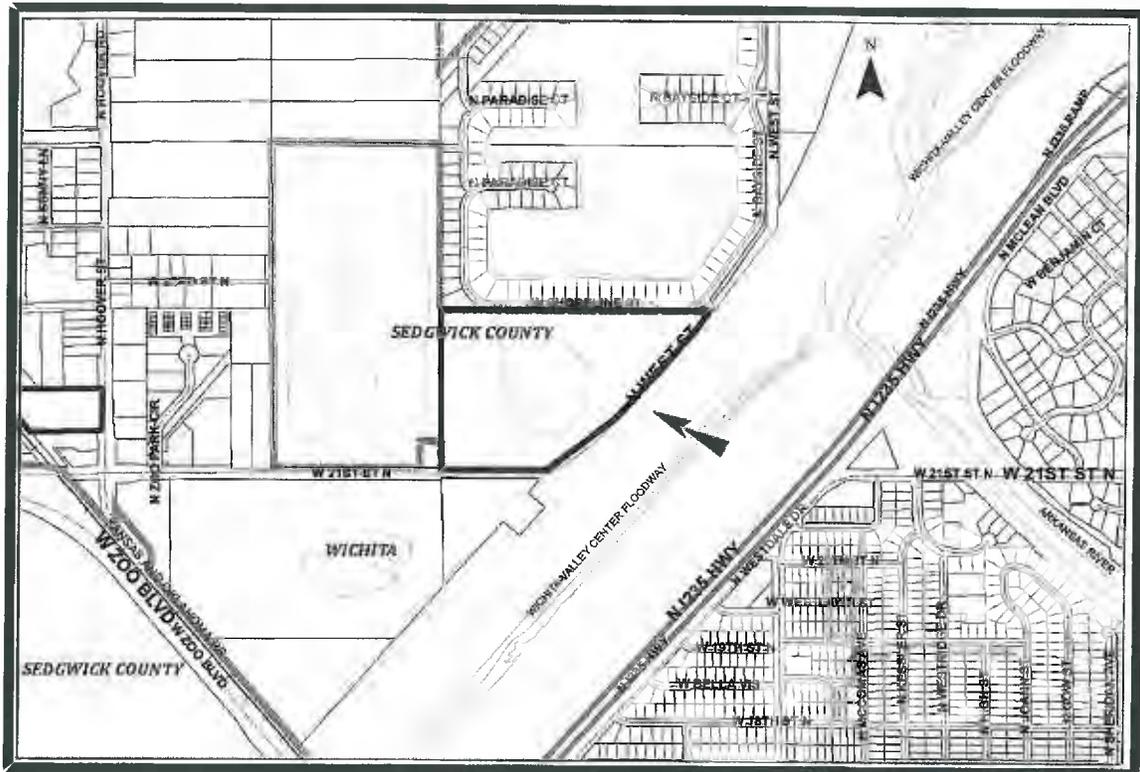
REQUEST: County Conditional Use to permit a Rock Crusher

CURRENT ZONING: SF-20 Single-family Residential

SITE SIZE: 44.9-acres

LOCATION: Generally located on the north side of West 21st Street North and the west side of North West Street (4620 W. 21st St. N. – BoCC 3)

PROPOSED USE: Rock Crusher to be used for recycling, processing and sale of existing concrete on the site



BACKGROUND: The applicant is requesting a “rock crusher” on the 44.9-acre, unplatted SF-20 Single-family Residential (SF-20) zoned county tract located on the north side of West 21st Street North and the west side of North West Street. The Unified Zoning Code (UZC) requires consideration of a conditional use for a rock crusher in the SF-20 zoning district; UZC, Sec.III.D

The county site was approved for sand extraction in 1959 (CU-16, CU-24) and has a spent sand pit located on it. The site also has numerous inoperable trucks, trailers, recreational vehicles, equipment, pallets, barrels, tubs, ties, piles of concrete, concrete pipe, etc., scattered throughout the site. The site currently appears to be a combination of a wrecking/salvage yard and landfill; neither of these uses are permitted in the SF-20 zoning district. For the site to come in compliance with the UZC will require the removal of these materials. The applicant proposes to use two types of rock crushers to break the concrete up and stock pile it on site for sale.

The conditional use for the rock crushers is proposed for one-year. The applicant proposes to use the crushers to clean up the site by removing the metal and concrete for use on construction projects. There may be a need to operate longer than you a year depending on the market for the concrete rubble and the amount of concrete found on the site. The applicant estimates there is 60,000 tons of concrete on the site, but there may be more buried on the site. The applicant has stated that 1,500 tons of concrete can be crushed in a day. The concrete is pre-processed using an excavator, loader and other equipment to make piles of the rubble so that when a crushing machine is available it can process this material quickly. The crews normally work 10 hour days during the construction season. The activity will be from 7:00 a.m. to 6:00 p.m., Monday – Friday with Saturdays optional depending on demand. Sundays would be required if the planning to meet the demand requires it. Ten to twenty trucks per day would be coming and going form the site depending on the demand. The crushers have spray bars for adding water during the crushing operation and these will be used to minimize the airborne dust. After the site is cleared of debris the property owner proposes to uses the site as permitted in the SF-20 zoning district.

The Kansas Department of Health and Environment (KDHE) has reviewed the information on the crushers and stated that they are familiar with these crusher models and that they are a “good piece of equipment.” KDHE also commented that the applicant may have to put a water dust control system on it to control the dust when crushing on some type of material. The company will also need to get an air permit from KDHE to operate it in the State of Kansas and the equipment will be subject to EPA Regulation 40 CFR 60, Subpart OOO NSPS for Nonmetallic Mineral Processing Plants.

The area is a mix of land uses located in the county and the City of Wichita. The zoning in the area includes SF-20, SF-5 Single-Family Residential (SF-5), LI Limited Industrial (LI), LC Limited Commercial (LC), and IP Industrial Park (IP). The zoning allows a wide range of uses including up-scale single-family subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill, a concrete plant that has a rock crusher, a sludge pit and its lime piles and small businesses. The partially developed SF-5 zoned Emerald Bay up-scale single-family residential subdivision abuts the north side of the site. Undeveloped lots and large single-family residences (built 2013-2015) in that subdivision face the north side of the site, separated by the residential Shoreline Street. These properties would

be the most negatively impacted by the rock crushers. However, the current derelict condition of the subject site has a negative impact on these abutting residences as well as those other abutting and adjacent properties. A resident living in one of the single-family residences facing the site stated that he could not hear the graders, shovels and trucks currently being used to move, pile materials and remove materials on the site. That resident also commented that he regularly hears construction noise from his residence, the result of Emerald Bay still being developed. Sludge from Wichita's sewage plants is stored on the SF-5 zoned property located north of Emerald Bay, resulting in lime piles that generate dust throughout the area. A SF-5 zoned single-family residence abuts the west side of the site as does a SF-20 zoned sand pit. Another SF-5 zoned single-family residence is located further west as are LI and IP zoned warehouses, a machine shop and a paint and body shop. A SF-5 zoned spent sand pit and a vacant commercial building are located south of the site, across 21st Street North, as is the Wichita-Valley Center Floodway and its levee. The Wichita-Valley Center Floodway and its levee are also located east of the site, across West Street. SF-5 zoned single-family residences and a LC Limited Commercial (LC) zoned commercial strip building and convenience store are separated from the site by the Wichita-Valley Center Floodway and its levee.

CASE HISTORY: Conditional Use CU-16 was approved to allow sand extraction on the site on October 8, 1959. CU-24 allowed an expansion of the sand extraction. The property was zoned R-1 Suburban Residential in 1958, which was converted to SF-20 zoning in 1996.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residences, farmland, lime pit
SOUTH: SF-5, levee	Vacant commercial building, sand pit, Wichita-Valley Floodway
EAST: Levee, SF-5, LC	Wichita-Valley Center Floodway, single-family residences, commercial strip building, convenience store
WEST: SF-20, SF-5, IP, LI	Sand pit, single-family residences, offices, warehouse, machine shop

PUBLIC SERVICES: The site currently has access onto 21st Street North, a paved two-lane local street that functions like a collector. The east-west 21st Street becomes West Street as it curves to the north. West Street is a paved two-lane arterial. Staff found no visible access from the site onto West Street. Public water is available to the site. Public Sewer would have to be extended to the site. More than the east half of the site is located in a FEMA Flood Zone.

CONFORMANCE TO PLANS/POLICIES: The "Community Investment Plan's" (Plan, adopted November 19, 2015) "2035 Wichita Future Growth Map" depicts the site as "industrial." The industrial category reflects the full diversity of industrial intensities and types found in a large urban municipalities. Concentrations of manufacturing, warehousing, distribution, construction research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing, or refinement of natural resources or recycling of waste materials are typically found along rail lines. Businesses with negative impacts associated with noise, hazardous materials, visual blight, and order typically are buffered from residential uses by commercial uses.

In this case the industrial designation seems to be a recognition of the SF-20 zoned site's past use

of sand extraction and its current derelict and noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. The Plan also shows the site to be located in the City of Wichita's "2035 Urban Growth Area." The site's SF-20 zoning restricts development pretty much too single-family residential development, which has more in common to the most recent development in the area, the north abutting Emerald Bay single-family residential development

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

- A. The activity will be from 7:00 a.m. to 6:00 p.m.
- B. The site shall be developed and operated in conformance with the approved revised site plan and all applicable codes to include but not limited to zoning, building, fire and environmental regulations. All rock crushing operations and material storage shall take place within the designated site plan area.
- C. Prior to rock crushing operations, the applicant shall get an air permit from KDHE to operate it in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart OOO NSPS for Nonmetallic Mineral Processing Plants.
- D. Rock crushing operations on the site shall not create dust which travels on to surrounding properties.
- E. Rock crushing activities will take place on the south half of the site, unless approved by the Director of Planning.
- F. All vehicular drives on the site, work and parking areas shall be surfaced with an all-weather material, which may include crushed rock, to minimize dust on the site. A water truck will be kept onsite to be used to control dust.
- G. Access to the site will be from the current drive located on 21st Street North.
- H. All conditions shall be met and operations begun within one year of final approval or the Conditional Use shall be null and void.
- I. The rock crushing operation shall cease and all equipment and material shall be removed from the site one-year after final approval. This time limit may be extended an additional year with an adjustment to the Conditional Use.
- J. If the Zoning Administrator finds that there is a violation of any of the provisions or 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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is a mix of land uses located in the county and the City of Wichita. The zoning in the area includes SF-20, SF-5, LI, LC, and IP. The zoning allows a wide range of uses including up-scale single-family residential subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill, a concrete plant that has a rock crusher and small businesses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-20, which permits agricultural activities, larger lot residential uses

and a limited set of nonresidential uses by right. The site could be used as presently zoned if not for its derelict state, the result of it being used as nonconforming construction and demolition land fill and a wrecking and salvage yard.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved the neighboring properties would have a year of rock crushers (the noise, dust and truck traffic) being used to clean up the site in the removing of a long time nonconforming construction and demolition land fill and a wrecking and salvage yard. The long term benefit of the rock crushers being used is the SF-20 zoned property would be in compliance allowing the possibility of single-family residential development.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “Community Investment Plan’s” (Plan, adopted November 19, 2015) “2035 Wichita Future Growth Map” depicts the site as “industrial.” The industrial category reflects the full diversity of industrial intensities and types found in a large urban municipalities. Concentrations of manufacturing, warehousing, distribution, construction research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing, or refinement of natural resources or recycling of waste materials are typically found along rail lines. Businesses with negative impacts associated with noise, hazardous materials, visual blight, and order typically are buffered from residential uses by commercial uses.

In this case the industrial designation seems to be a recognition of the SF-20 zoned site’s past use of sand extraction and its current derelict state and noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. The Plan also shows the site to be located in the City of Wichita’s “2035 Urban Growth Area.” The site’s SF-20 zoning restricts development pretty much too single-family residential development, which has more in common to a more recent development in the area, the north abutting Emerald Bay single-family residential development.

5. **Impact of the proposed development on community facilities:** The conditions of approval and other regulations should minimize impacts on community facilities. Traffic on 21st Street North and West Street could increase due to the rock crushing operations. Demand for other County services such as inspections and fire prevention may temporarily increase, but a time limit on the rock crushing use should ensure future development on the site is compatible with community facilities.

(2) SR Model

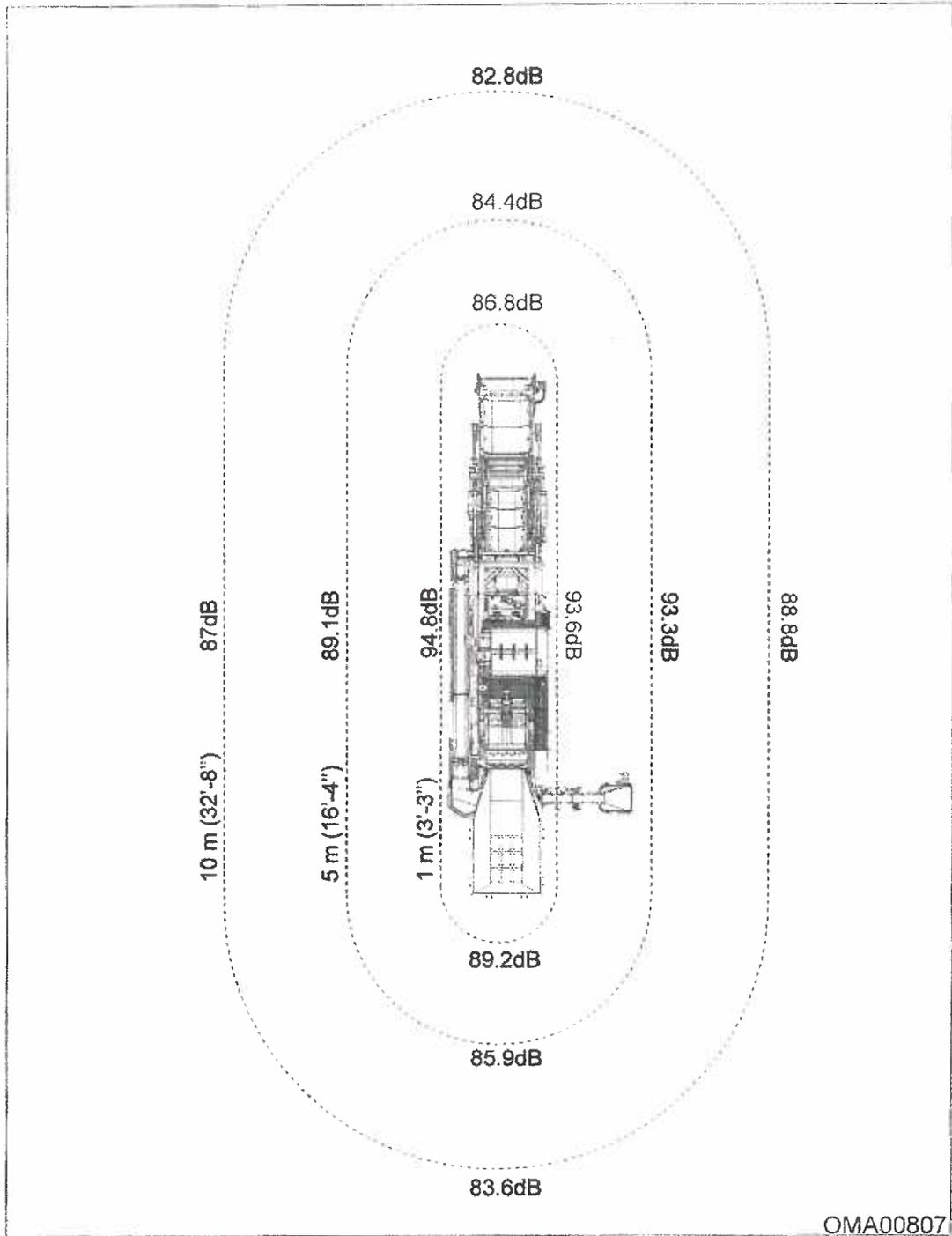


Figure 3.6 - Noise Level (SR Model)

Formerly "Vic's Sand Pit"

4620 W 21 ST



Temporary Scale location

Processing of all concrete around the pond area within the existing fences. Processed concrete materials will be crushed and stockpiled, then sold and hauled to public and privately funded projects. All metal will be sold or hauled to recyclers. Any trash will be hauled and disposed properly.



Sedgwick County
Geographic Information Services
Division of Information & Operations
www.sedgwickcounty.org/gis
525 N. Main, Suite 212, Wichita, KS 67203
Tel: 316.660.9290 Fax: 316.262.1174

DISCLAIMER: It is understood that, while Sedgwick County Geographic Information Services (SCGIS), City of Wichita GIS, for purposes of the road centerline file, participating agencies, and information suppliers, have no indication or reason to believe that there are inaccuracies in information provided, SCGIS, its suppliers make no representations of any kind, including but not limited to, warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied with respect to the information, data or service furnished herein. In no event shall the Data Providers become liable to users of these data, or any other party, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use, operation or modification of the data. In using these data, users further agree to indemnify, defend, and hold harmless the Data Providers for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data. No person shall sell, give or receive for the purpose of selling or offering for sale, any portion of the information provided herein.

Thu Dec 3 16:46:58 GMT-0600 2015

Powerscreen® Chieftain 1400

2 Deck Incline Screen

Specification - Rev 6. 01/01/2013



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013



Specification

		14ft Hopper (with grid) wheel	14ft Hopper (with grid) track
Total weight		22,000kg (48,502lbs)*	24,900kg (54,895lbs)*
Transport	Length	16.95m (55' 7")	15.4m (50' 6")
	Width	2.75m (9' 0")	2.75m (9' 0")
	Height	3.9m (12' 8")	3.2m (10' 6")
Working	Length	17.9m (58' 9")	16.4m (53' 9")
	Width	16.2m (53' 2")	16.2m (53' 2")
	Height	5.33m (17' 6")	4.8m (15' 7")
Screenunit		3.3m x 1.5m (11' x 5')	3.3m x 1.5m (11' x 5')
Powerunit		Diesel / Hydraulic	Diesel / Hydraulic
Plant Colour		RAL 5021	RAL 5021

Features & Benefits

- High capacity up to 400 tph (depending on feed size, mesh size & material type)
- Maximum feed size 150mm
- Engine protection shutdown system
- Powerunit featuring a transverse engine arrangement to aid access & serviceability
- Heavy duty single shaft incline screenbox with adjustable angle
- Hydraulic screen tensioning
- Screen mesh access system for quicker mesh changes
- Maximum mobility with heavy duty, low ground pressure crawler tracks
- Removable heavy duty pendant remote control system
- Quick set up time
- High performance hydraulic system - cast iron pumps & motors complete with hydraulic cooler
- Angle adjustable tipping grid with radio control double acting tipping grid rams
- Low profile double deck vibrating grid option with radio remote control tipping grid rams, angle adjustable & fully riveted construction
- Hydraulically folding conveyors for transport
- Fines conveyor drop down facility to aid bottom deck mesh access

Applications

Aggregate

- Sand & gravel
- Blasted rock
- River rock

Recycling

- Top soil
- C&D waste
- Composted materials
- Wood by-products
- Overburden
- Foundry waste

Mining

- Processed ores
- Processed minerals

Abbreviations: T=Track, W=Wheel, Std= Standard, Hyd= Hydraulic, W/O= Without, C/W= Complete with
 EXT= Extended, DDVG= Double deck vibrating grid, Inc= Including, Aux= Auxiliary,
 Conv= Conveyor, *= depending on machine specification

All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

Hopper & Grid

Target area: 4.85m (15' 10") long x 1.85m (6') wide
Grid aperture: 102mm (4")
Hopper capacity: 7.5m³ (9.8 cu. yd.)
Adjustable angle tipping grid with integral loading and wing plates
Feed in height: 3.3m (10' 10") with grid

Feed Conveyor

1050mm (42") wide feed conveyor with direct drive system & hydraulic variable speed control
4.11m (13' 5") drum centres
350mm (13.5") drum diameter (drive)
320mm (12.5") drum diameter (tail)



Main Conveyor

1050mm (42") 3 ply plain belt
10.17m (33' 4") drum centres
286mm (11") drum diameter (drive)
270mm (10") drum diameter (tail)
Hydraulically adjustable conveyor, fully skirted & sealed
Fixed speed



Screenbox

3.3m x 1.53m (11' x 5') 2 deck incline screen
Highly aggressive screen drive
Grease filled 4 bearing screenbox
3.3m x 1.53m (11' x 5') top deck
3.2m x 1.53m (11' x 5') bottom deck
Hydraulic screen angle adjustment 27° - 37°
Combination side & end tensioned top deck
End tensioned bottom deck
Galvanised maintenance platforms on both sides of screen
Hydraulic screen tensioning on bottom deck



All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

Finesize - Tail Conveyor

1200mm (48") wide 3 ply plain belt
5.9m (19' 4") drum centres
286mm (11") drum diameter (drive)
270mm (10") drum diameter (tail)

3.91m (12' 10") stockpile height (to drum centre) T
89m³ (116 cu. yd.) stockpile volume

4.18m (13' 9") stockpile height (to drum centre) W
109m³ (143 cu. yd.) stockpile volume

Fixed speed
Hydraulically folding
Chevron belt as option
Variable to 24°



Midsize & Oversize Side Conveyors

650mm (26") wide 3 ply chevron belt
9.07m (29' 8") drum centres
286mm (11") drum diameter (drive)
270mm (10") drum diameter (tail)

4.49m (14' 9") stockpile height (to drum centre) T
135m³ (177 cu. yd.) stockpile volume

4.76m (15' 7") stockpile height (to drum centre) W
161m³ (211 cu. yd.) stockpile volume

Variable speed control on each conveyor
Hydraulic folding
Fixed angle: 24°



All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

Powerunit & Hydraulics

Engine:

CAT C4.4 ATAAC (Tier 3 / Stage 3A) 4 cylinder diesel

Performance:

83 kW (111.3hp) @ 2200rpm

Tank Capacities:

Fuel: 336 L (88 US Gal)

Hydraulic oil: 564 L (149 US Gal)

Pumps:

Flywheel pump: Cast iron tandem pump 32cc/rev

PTO pump: Cast iron tandem pump 23cc/rev

Motors:

Belt feeder: 160cc/rev

Main conveyor: Cast iron 630cc/rev

Tail conveyor: Cast iron 500cc/rev

Side conveyors: Cast iron 400cc/rev

Screen motor: Cast iron 59cc/rev

Optional apron feeder: 400cc/rev

Optional Diesel engine:

Tier 4i / Stage 3B: CAT C4.4 82kW (110hp) @ 2200rpm

Tier 4i / Stage 3B: CAT C4.4 98kW (131hp) @ 2200rpm



Crawler Track Data

Track width: 500mm
Output torque: 25,870 Nm
Gradability degrees: 26.2°
Gearbox ratio: 1:127
Hydraulic motor: 63cc/rev
Approximate speed: 0.9kph (0.56mph)
Total flow per track: 72.6 Lpm



All specifications subject to change without prior notice



Powerscreen® Chieftain 1400 Options

Specification - Rev 6. 01/01/2013

Double Deck Vibrating Grid

Target area:

3.8m (12' 6") long x 2.2m (7' 3") wide

Working angle: 10° - 20° (adjustable)

Tip angle: 45° max

Motor: 59cc/rev

Circuit: Coupled to main conveyor circuit

Feed in height: 3.59m (11' 9") with grid

Feed in height: 3.38m (11' 1") with out grid

Transport height: 3.42m (11' 3") Track

Transport height: 4.08m (13' 5") Wheel

Total weight: 28,960kg (63,846lbs) Track

Total weight: 26,000kg (57,320lbs) Wheel



Dual Power

Dual Power System:

2 of electric motors: 30 kW (40hp) & 30 kW (40hp)

Diesel engine

Integrated control system

This controls either diesel-hydraulic or electric-hydraulic functions

Note: Electric motors IE2 as standard

IE3 motors for USA subject to availability

Other Options

Different coloured machine

Auto lubrication system

Radio controlled tracking

Quick release wedge screen tensioning
(side tension only)

Extra coupling facility

Full dust suppression

Roll-in bogie

Washing version



All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

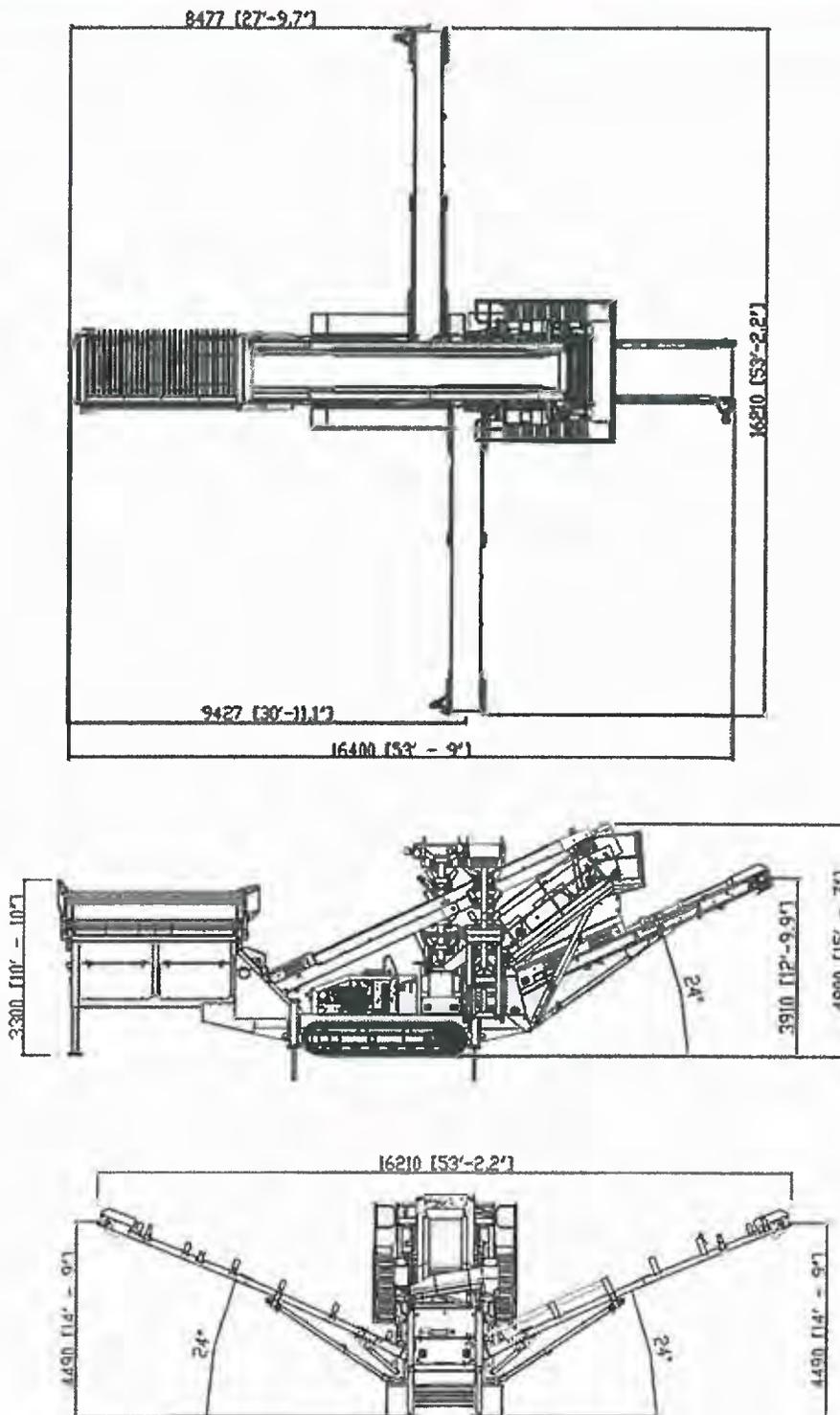


Figure 1: Chieftain 1400 2 Deck Track Working Position

All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

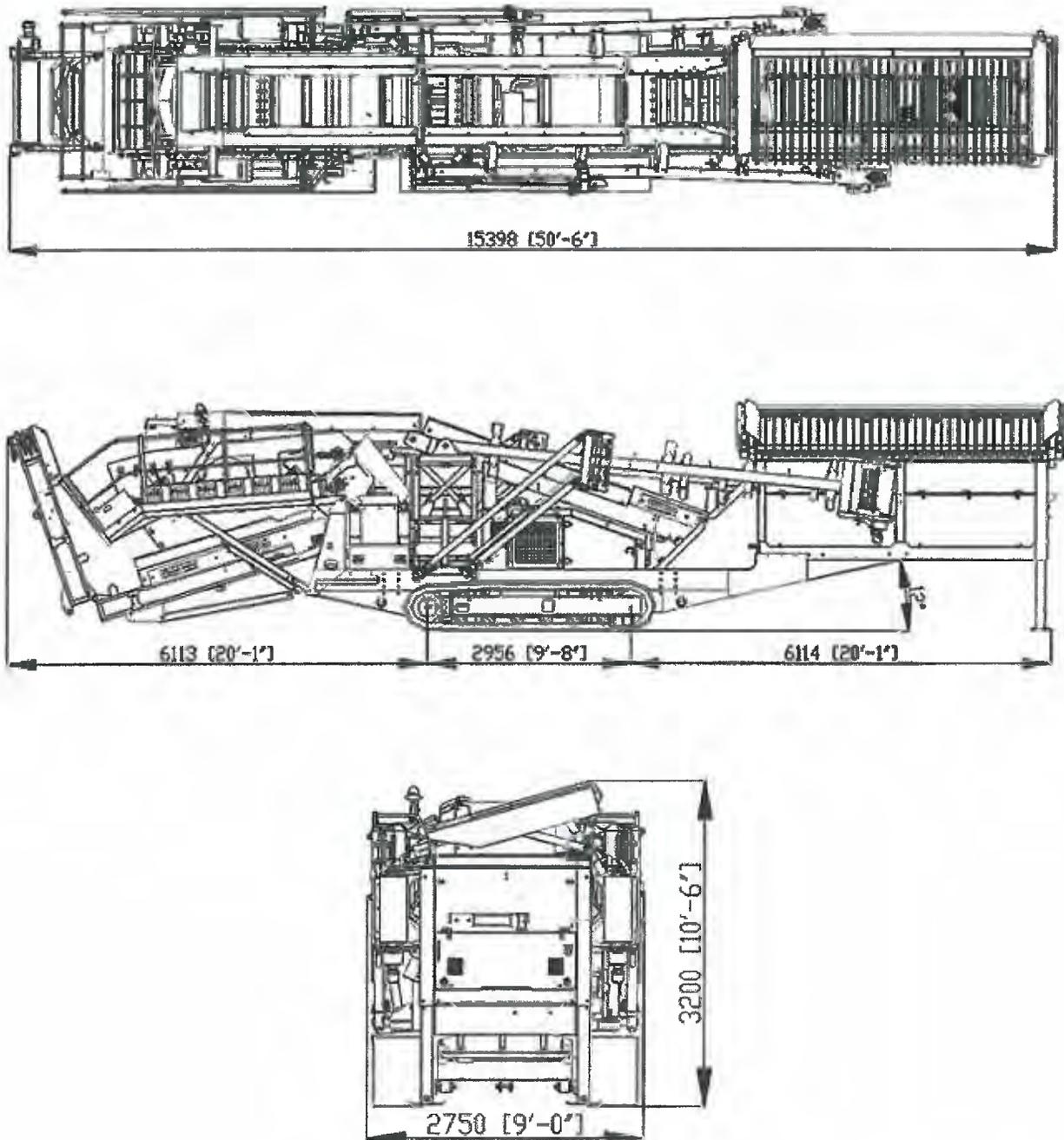


Figure 2: Chieftain 1400 2 Deck Track
Transport Position

All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

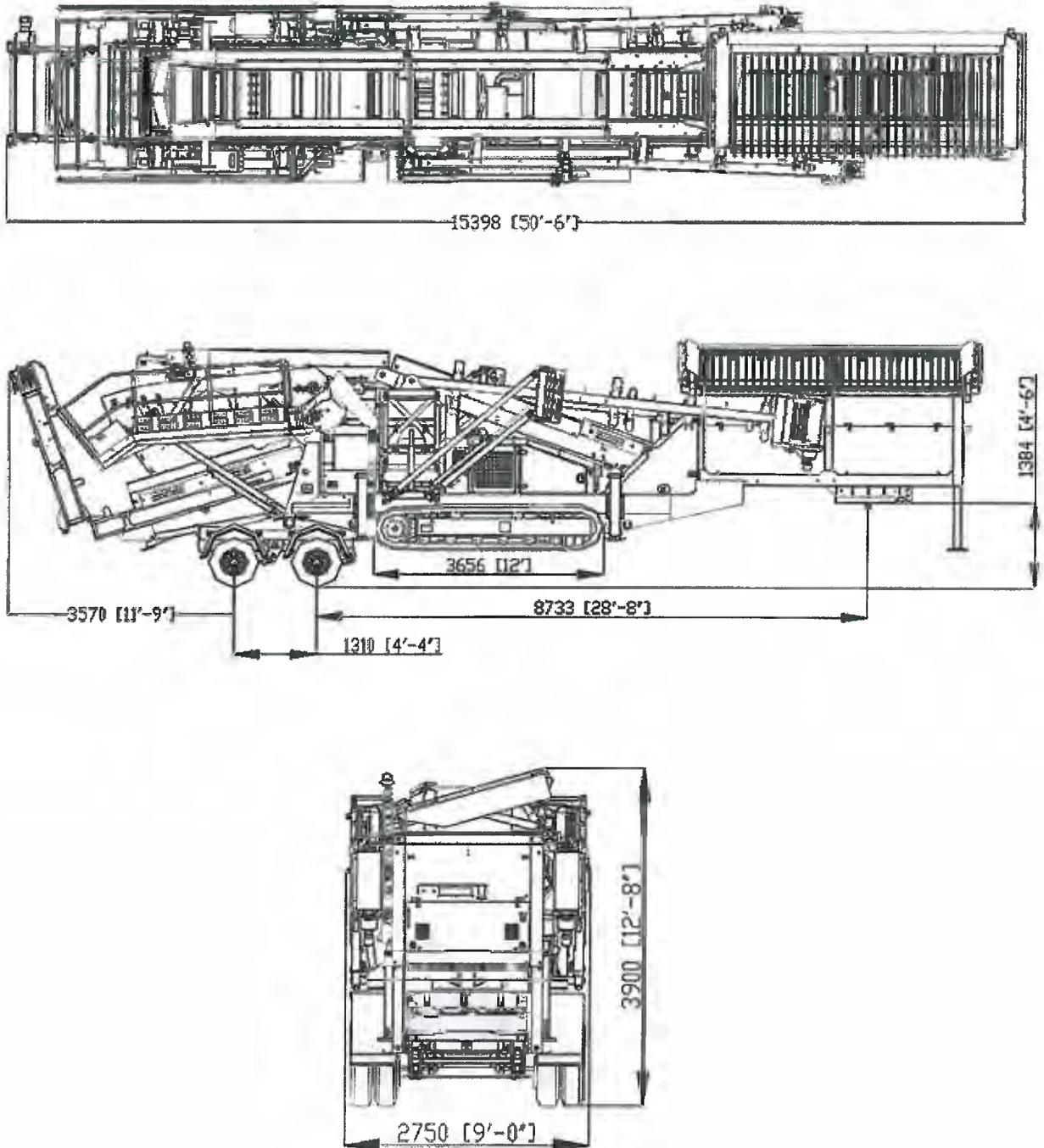


Figure 3: Chieftain 1400 2 Deck Track Roll-in Bogie

All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

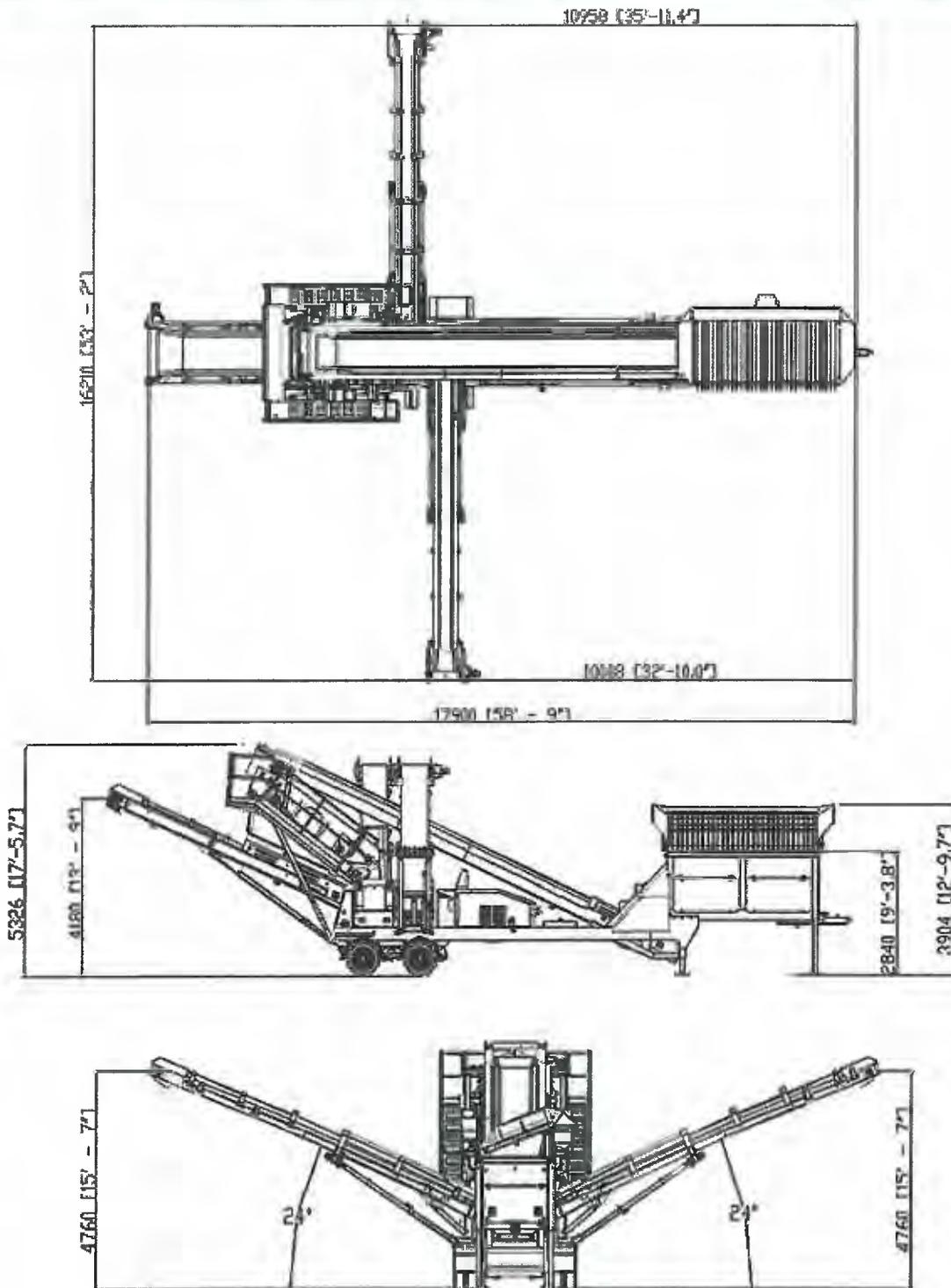


Figure 4: Chieftain 1400 2 Deck Wheel Working Position

All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013

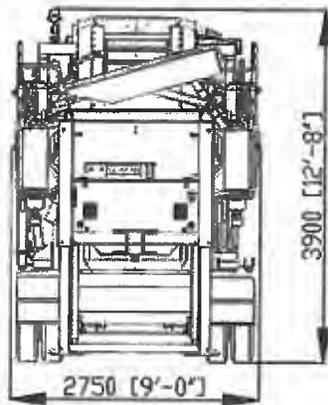
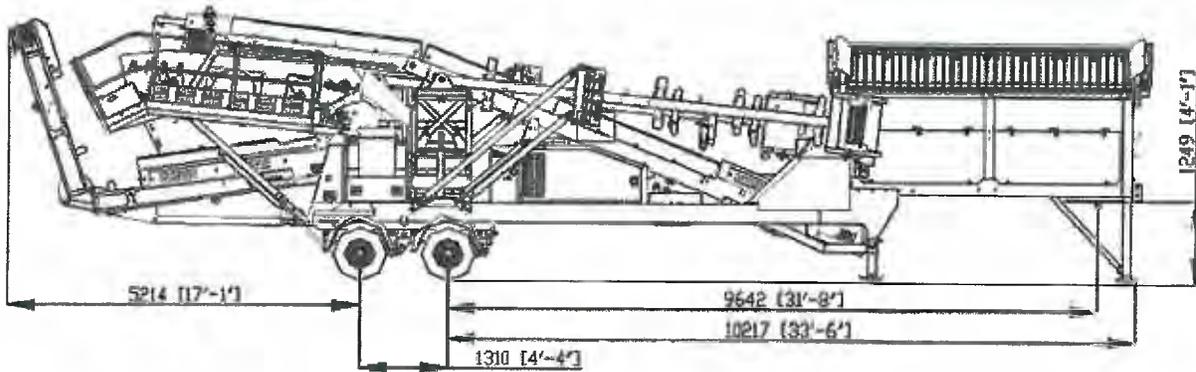
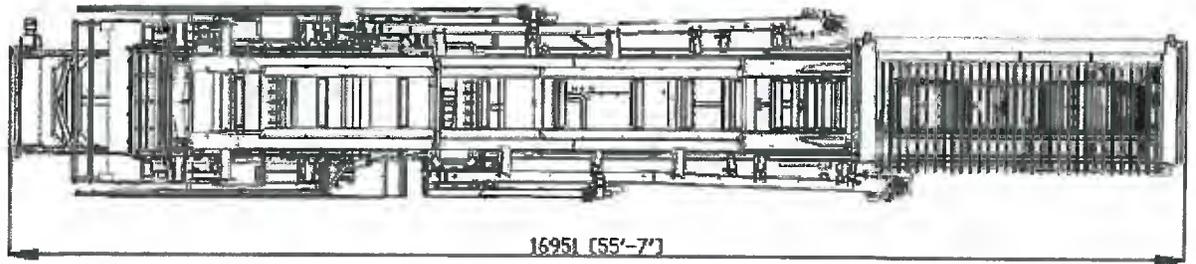


Figure 5: Chieftain 1400 2 Deck Wheel Transport Position

All specifications subject to change without prior notice



Powerscreen® Chieftain 1400

Specification - Rev 6. 01/01/2013



Powerscreen equipment complies with CE requirements.

Please consult Powerscreen if you have any other specific requirements in respect of guarding, noise or vibration levels, dust emissions, or any other factors relevant to health and safety measures or environmental protection needs. On receipt of specific requests, we will endeavour to ascertain the need for additional equipment and, if appropriate, quote extra to contract prices.

All reasonable steps have been taken to ensure the accuracy of this publication, however due to a policy of continual product development we reserve the right to change specifications without notice.

It is the importers' responsibility to check that all equipment supplied complies with local legislation regulatory requirements.

Plant performance figures given in this brochure are for illustration purposes only and will vary depending upon various factors, including feed material gradings and characteristics. Information relating to capacity or performance contained within this publication is not intended to be, nor will be, legally binding.

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TRAKPACTOR 320SR

The Trakpactor 320SR is a mid-sized horizontal impact crusher redesigned with some key enhancements to offer operators and contractors excellent reduction and high consistency of product shape for performance in quarry and recycling applications.

The plant is capable of working in the most demanding environments and features rapid set-up time, fuel efficient direct drive system and excellent output potential of up to 320 tph. The plant features a quick-detach post-screen section which converts it to a standard Trakpactor 320 unit. Another key feature is the recirculating conveyor which raises for transport allowing more ground clearance under the machine when moving on site and while loading for transport.

Features & Benefits

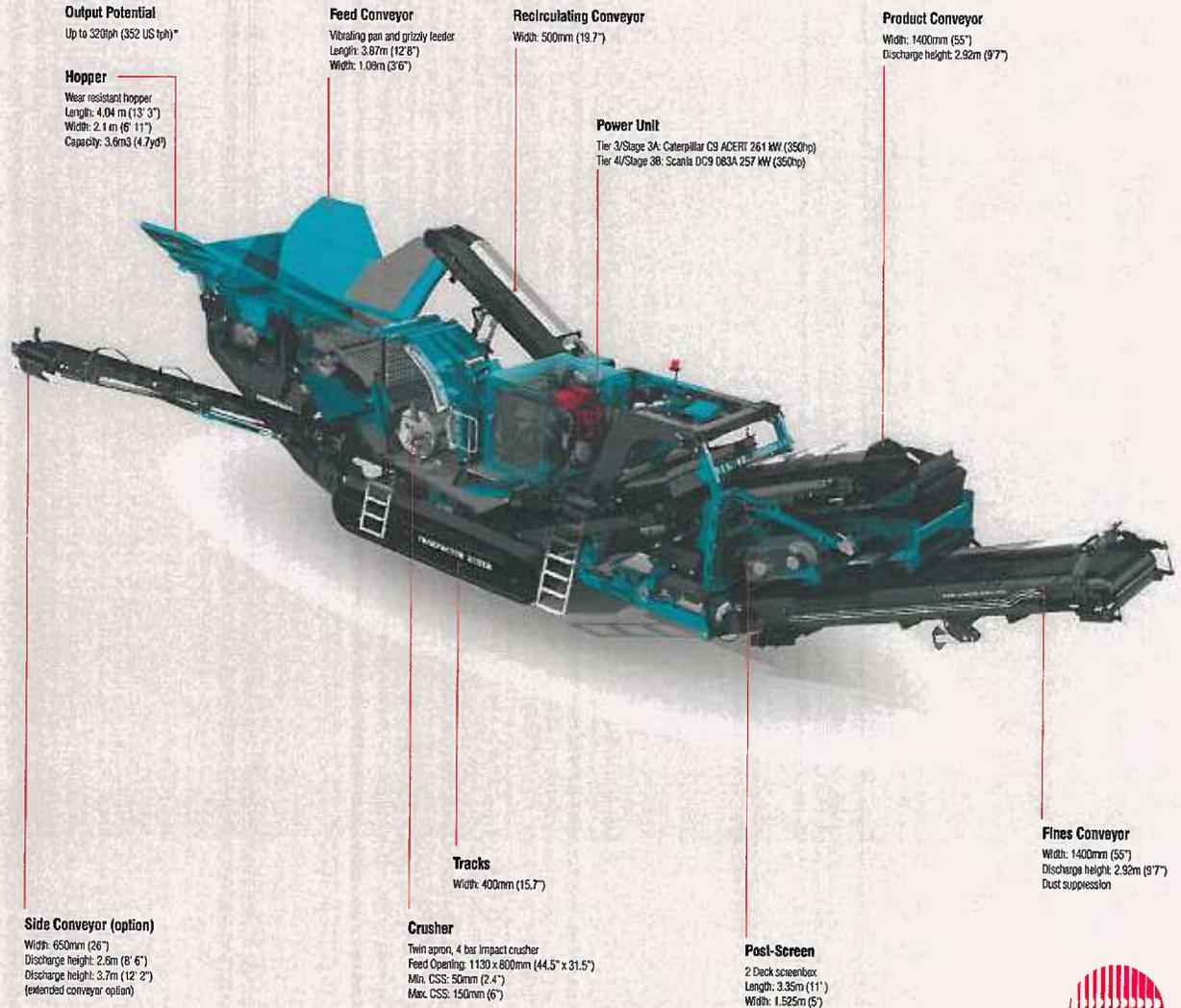
- Crusher chamber: Patented hydraulic overload protection and adjustment system. Patent Publication Numbers: GB 2455203; US 8033489. Patent Pending in Germany, Application Number: DE 10 2009 044 1953
- Bolt in cartridge grizzly – 42mm nominal spacing
- Load management system to control feeder speed
- Crusher speed variation through user friendly PLC control system
- Modular conveyor with raise/lower facility to aid clearance of rebar
- Economical to operate with a highly fuel efficient direct drive system
- Patented double deck post-screen. Patent Publication Numbers: GB 2386848; US 6877610. Patent Pending in Germany, Application Number: DE 10305569.4
- Quick-detach post-screen to convert to standard Trakpactor 320
- Recirculating conveyor with hydraulic raise for transport
- Hydraulically assisted CSS adjustment
- 4 Bar rotor & twin apron impactor chamber

Options

- Full & half size chrome, martensitic, austenitic & ceramic blow bars
- Grizzly cartridges
- Independent hydraulic pre-screen with hydraulic folding & locking hoppers. Patent Application Number: DE 10 2008 044 195.3; GB 1119490
- Pre-screen cassioles – punch plate & grizzly
- Punch plate options
- Blanking plates/mats for grizzly
- Wire mesh for feeder underscreen
- Single pole/twin pole magnet
- Belt scale
- Refuelling pump
- Hydraulic water pump
- Radio remote control
- Plant lighting
- Hopper extensions
- Side conveyor & extended Side conveyor. Patent Application Number: 1118144.3
- Extended product conveyor
- Grinding path
- Hydraulically folding mid-grade conveyor
- Hydraulic overload protection

Applications

- Blasted rock
- River rock
- C & D waste
- Foundry waste
- Processed ores
- Processed minerals



TRAKPACTOR 320SR

Weight (Est)	44,300kg (97,665lbs) (Vibrating Grizzly Feeder) 46,000kg (101,412lbs) (Pre-Screen)
Transport width	3.1m (10'2")
Transport length	17.58m (57'8")
Transport height	3.44m (11'2")
Working width	5.82m (19'1") with side conveyor deployed
Working length	17.22m (56'6")
Working height	4.7m (15'5")



*Depends on application
Engines are available that are certified to US EPA and EU off road diesel emission standards. Talk to your dealer about possible certification options (i.e. Tier 3/Stage 3A, Tier 4/Stage 3B, Tier 4/Stage 4).



STAFF REPORT
 MAPC 12-32015 (deferred)
 MAPC 2-18-2016

CASE NUMBER: DER2015-00007

APPLICANT/AGENT: Larry Lampe (Mayor of Garden Plain)

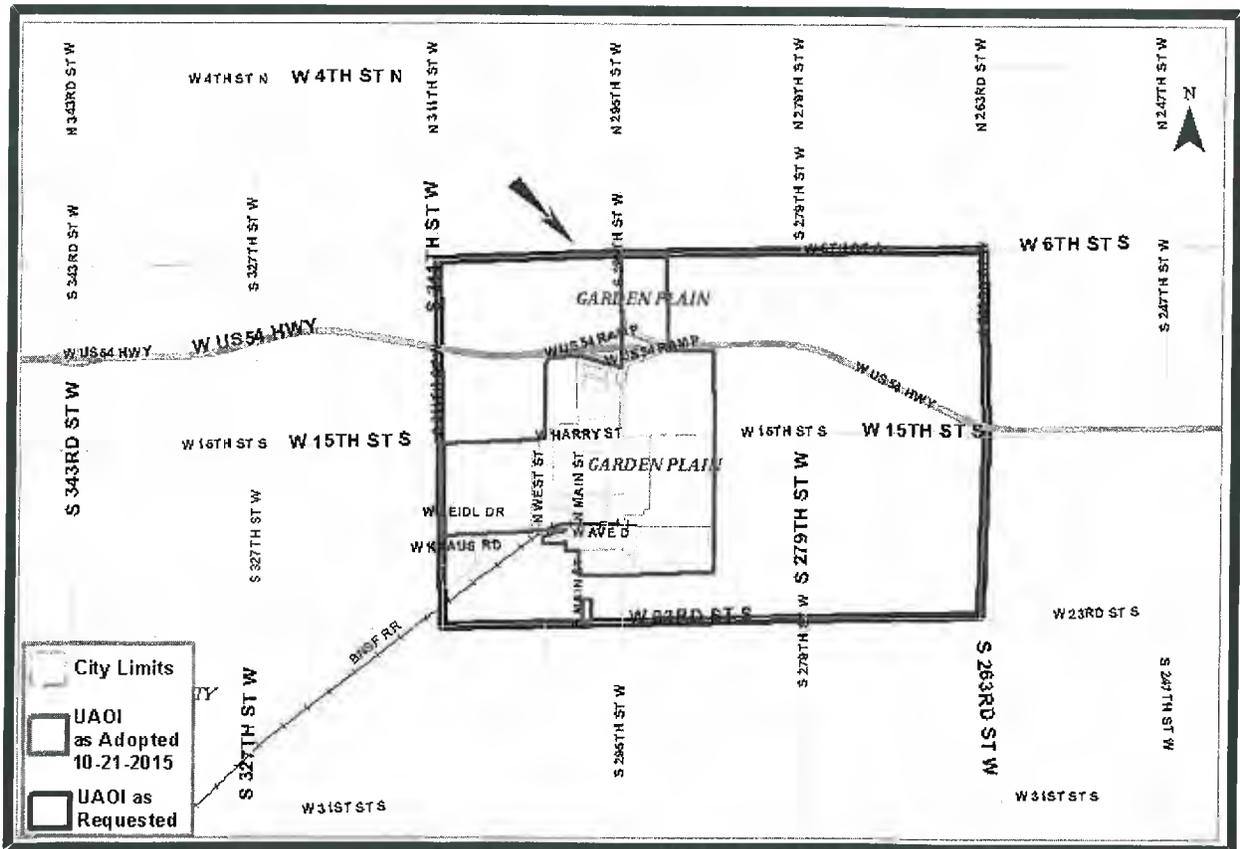
REQUEST: Amendment to expand the Urban Area of Influence of Garden Plain

CURRENT ZONING: N/A

SITE SIZE: Approximately six miles

LOCATION: The area enclosed by West 6th Street South (north), South 263rd Street West (east), West 23rd Street South (south) and South 311th Street West (west)

PROPOSED USE: N/A



BACKGROUND: On Wednesday October 21, 2015, the Board of Sedgwick County Commissioners (BoCC) adopted an amendment (Resolution No. 185-2015) to the Wichita-Sedgwick County Unified Zoning Code (UZC) that abolished “zoning area of influence” (ZAOI) review authority and the ZAOI map. “Zoning area of influence” authority and its accompanying map were replaced with “urban areas of influence” (UAOI) review authority and an UAOI map. The UAOI map depicts the land that is subject to UAOI review. “Urban area of influence” authority permits certain development applications that deal with land use associated with properties located within the specifically defined geographic areas surrounding 17 of Sedgwick County’s cities to be presented for consideration and recommendation by the designated cities’ planning commissions. The UAOI boundaries for all 17 cities are shown on the attached 2035 Urban Growth Areas Map, and are labeled as “small city urban growth areas.” The boundaries of each city’s territory that is subject to UAOI review is currently the same as the “small city urban growth areas” depicted on the 2035 Urban Growth Areas Map. The City of Garden Plain is one of the 17 cities that was granted UAOI authority.

The City of Garden Plain has requested that its UAOI boundary be expanded from its current boundary (as depicted in blue on attachment 2) to an expanded area (shown in red on attachment 2) enclosed by West 6th Street South (north), South 263rd Street West (east), West 23rd Street South (south) and South 311th Street West (west). (See attached letter from Garden Plain.) The overwhelming majority of the land included in the expansion area is farmland that is zoned RR Rural Residential.

The request would expand Garden Plain’s UAOI to a total of six square-miles. Currently, Garden Plain has approximately 0.7 of a square-mile of UAOI territory. Garden Plain’s UAOI territory is the smallest of those cities having such review authority. Garden Plain’s request to expand its UAOI is permitted by UZC Sec. II-V.K. Garden Plain’s existing urban growth area and UAOI boundary were developed in 2014 as part of the development of the County’s *Community Investments Plan* (comprehensive plan). Since that time staff has received additional information regarding Garden Plain’s projected growth expectations and recent annexation activities (see Garden Plain’s attached letter).

Data developed as part of the update of the Wichita-Sedgwick County *Community Investments Plan* reports that over the time period 2005 to 2014 Garden Plain added, in a typical year, three new dwelling units. In contrast, in an average year during that same ten-year period Derby added the most dwelling units with 108 dwelling units; Goddard added 39 dwelling units and Cheney added 29 dwelling units. Of the 17 cities that have UAOI authority, Garden Plain’s estimated 2014 population (879) ranks 14th. Derby has the largest population of the cities that have UAOI authority (23,234); Bentley is the smallest (524) excluding that portion of the City of Sedgwick located in Sedgwick County. By 2035 Garden Plain is projected to grow in population by 121 people to 1,000 people. Assuming an average household size of 2.5 that equates to a projected need for 48 additional dwelling units over the next 20 years or 2.4 dwelling units per year.

Under the provisions of UAOI review authority, cities are provided the opportunity to review certain land use applications within 30 days of notice that an application that is subject to potential review has been filed. If the city planning commission recommends denial, the BoCC can override the denial recommendation with a two-thirds vote upon first hearing. If the case were to be returned to the MAPC for reconsideration, the BoCC can approve the request with a simple majority vote upon second hearing.

CASE HISTORY: Prior to the adoption of UAOI, the UZC had provisions for “zoning area of influence” review authority that was similar to UAOI review authority. “Zoning area of influence” review authority was initiated in 1985 and utilized different boundaries, usually larger than that granted under UAOI. “Zoning area of influence” also had a requirement for a unanimous vote requirement to override a city’s recommendation for denial, instead of a two-thirds majority vote or simple majority on

second hearing.

PUBLIC SERVICES: “Urban area of influence” review provides an early notice to a city that development is planned in an area that the city may currently serve or is likely to serve, and may serve to facilitate the planning for and the delivery of services where multiple jurisdictions may be involved. Other methods other than current UAOI procedures can or have been implemented to provide early notice of zoning applications, such as the “early warning notice.”

CONFORMANCE TO PLANS/POLICIES: As noted above, the authority for UAOI review is contained within the UZC. There is not any statutory requirement that a county has to grant a city zoning review authority in areas where a county has established county zoning. As described on the 2035 Urban Growth Areas Map, Small City Urban Growth Areas are generally located adjacent to existing municipal boundaries. The designated areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

RECOMMENDATION: A windshield survey of land located within the city limits of Garden Plain reveals 67.5 acres of undeveloped ground located at the northeast corner of 295th Street and U. S. 54. Another vacant 133 acres are located at the southeast corner of 295 Street and U. S. 54. The two vacant tracts total 200.5 acres. Finally, there are approximately 60 platted vacant lots located in the Pretty Flowers Addition located in the southeast section of Garden Plain (east of 295 Street, one-half mile north of 23rd Street. Over the last ten years Garden Plain has built an average of three new dwelling units per year. The projected 2035 population growth for Garden Plain results in a projected housing need of an average of 2.4 dwelling units per year. If all projected 48 dwelling units were developed on 4.5-acre lots or tracts that equals the need for 216 acres to accommodate the projected growth rate.

At the time the Board of County Commission converted the zoning area of influence to the urban area of influence there was much discussion about ensuring that the urban area of influence be applied to lands that were likely to be developed within the projected time frames. Inclusion of land in the urban area of influence located beyond the projected time frame adds an extra layer of review that can be considered by land owners, developers and builders as excessive.

Although land located within Garden Plain’s existing city limits can accommodate projected growth, Garden Plain should be afforded an expanded UAOI to account for unexpected growth that can accommodate a range of housing choices. It is recommended that Garden Plain’s UAOI boundary be expanded to the following boundary depicted on attachment 2 in yellow: West 6th Street South (north), South 279th Street West (east), West 23rd Street South (south) and South 311th Street West (west). The recommendation is based upon the documented ten-year rate of an average of three new dwelling units per year cited above and the presence of 200 acres of vacant land and approximately 60 undeveloped lots located inside Garden Plain’s existing city limits.

2035 Urban Growth Areas Map

(This map is not reflective of any Zoning Areas of Influence in Sedgwick County)

The 2035 Urban Growth Areas Map visually portrays the anticipated growth patterns for the cities of Sedgwick County. Municipal growth patterns that do not exactly match this guide but reflect marketplace demands should be given reasonable consideration, if they do not present extraordinary new public service burdens on the community. It is also important to note that the 2035 urban growth areas depicted are not prescriptive or binding in nature. They serve only as a reasonable indication as to where the future efficient extension of public municipal services and corporate limits could occur by the year 2035.

Small City Urban Growth Areas: Generally located adjacent to existing municipal boundaries, these areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

Wichita Urban Growth Area: Areas adjacent to Wichita that are primarily undeveloped but have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. This is the area in which City expansion and extension of municipal services and infrastructure should be focused. Determination of growth direction and amount is based upon municipal political considerations, anticipated population growth, efficient patterns of growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

Established Central Area: Comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius, the Established Central Area is the focus area for the Wichita Urban Infill Strategy.

K-96 Special Uses Corridor: Encompasses areas identified in the K-96 Corridor Economic Development Plan that require special land use controls in order to ensure appropriate patterns of commercial redevelopment within the K-96 corridor. The K-96 Corridor Economic Development Plan should be consulted for more specific future land use direction.

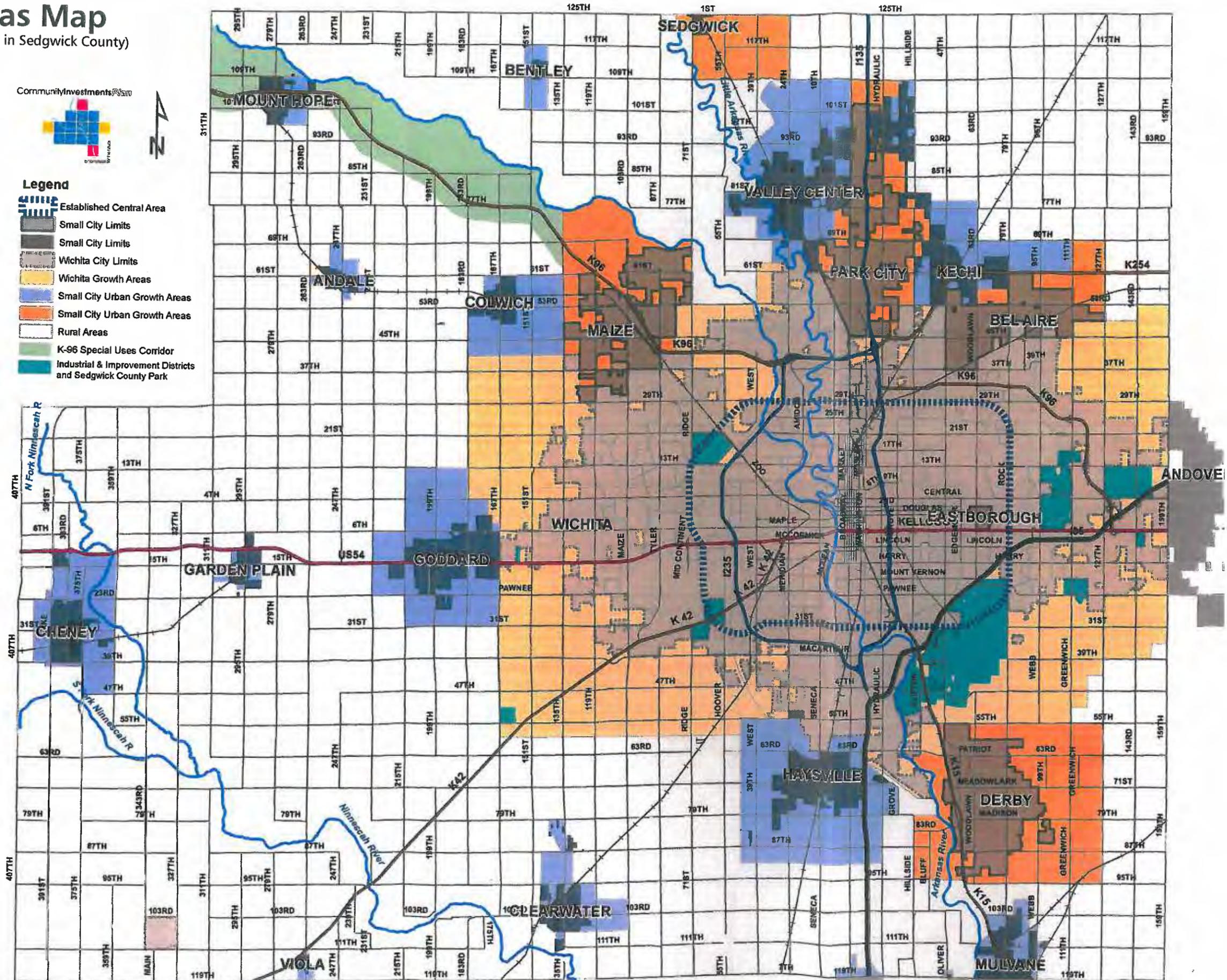
Industrial and Improvement Districts and Sedgwick County Park: Encompasses areas within the Wichita Urban Growth Area where various legal agreements have been established to restrict Wichita city limits expansion and provide for shared delivery of municipal services by the City of Wichita, Sedgwick County, and townships.

Rural: This category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*.

CommunityInvestments.com

Legend

-  Established Central Area
-  Small City Limits
-  Small City Limits
-  Wichita City Limits
-  Wichita Growth Areas
-  Small City Urban Growth Areas
-  Small City Urban Growth Areas
-  Rural Areas
-  K-96 Special Uses Corridor
-  Industrial & Improvement Districts and Sedgwick County Park





CITY OF GARDEN PLAIN

CASE NO. PER 2015-00007

Mayor Larry Lampe

Council Members:

Bobby Thompson, Paul McPhillips, Sr.,
Kevin Hammond, Joe Fisher & Jenny Zoglman

October 12, 2015

Dale Miller
WAMPO
455 N Main, 10th Floor
Wichita, Ks 67202-1688

Dear Mr. Miller,

In response to the letter we received of September 24th regarding the new boundaries we would like to request a boundary modification to enlarge the areas requiring review that have been proposed in the Wichita-Sedgwick County Community Investment Plan.

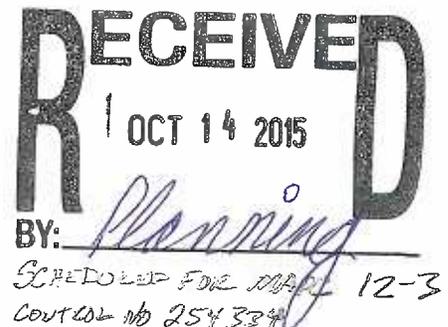
Our Planning Commission and City Council have discussed these current proposed boundaries and are uncomfortable with not having opportunity for review or expression of development around the city boundaries. We have a good working relationship with the development in our area of influence and would like to maintain the integrity of that area.

In 2014 we annexed 233 acres at the owner's request to prepare for future development. Our houses sell quickly and the rentals are never empty.

We request the modification to extend the area of influence boundaries to go from 263rd to 311th and from 6th to 23rd streets.

Sincerely,

Larry Lampe, Mayor



505 N. Main • PO Box 336 • Garden Plain, KS 67050 • Tel (316) 531-2321 • Fax (316) 535-2207
Web: www.gardenplain.com • Email: cityclerk@gardenplain.com