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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, May 19, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, May 19, 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: No Minutes

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

SUBDIVISION CASE DETAILS

- 2-1. **SUB2015-00047: Revised One-Step Final Plat – SHOCKER ADDITION**, located north of 29th Street North, west of Arkansas.

Committee Action: APPROVED 5-0
Surveyor: Kaw Valley Engineering
Acreage: 2.48
Total Lots: 9

- 2-2. **INFORMATIONAL ITEM: Amendment to Subdivision Regulations**, Plats with Non-Contiguous Blocks.

Committee Action: 5-0 TO RETAIN CURRENT POLICY

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. **VAC2016-00004: City request to vacate a portion of the Minnesota public street right-of-way**, located east of I-135 and north of 1st Street.

Committee Action: APPROVED 5-0

- 3-2. **VAC2016-00016: City request to vacate a portion of platted street right-of-way**, generally located west of 119th Street West, on the north side of Kellogg Avenue and east of Hornecker Drive.

Committee Action: APPROVED 5-0

- 3-3. **VAC2016-00017: City request to vacate platted access control on property**, located on the southwest side of 21st Street North and K-96.

Committee Action: APPROVED 5-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

- 4.** Case No.: ZON2015-00052 (Deferred from 2-4-16)
Request: City request for a zone change from SF-5 Single-family Residential and GC General Commercial to LI Limited Industrial.
General Location: West of Greenwich Road, on the north side of I-35 and west side of Trig Street.
Presenting Planner: Bill Longnecker
- 5.** Case No.: ZON2016-00012 and CON2016-00007 (Deferred Indefinitely) - See Attached Letter
Request: City zone change from SF-5 Single-family Residential to TF3-Two-family Residential to allow ancillary parking (CON2016-00007), an amendment to PO-300 to allow a restaurant and a 10% reduction of the compatibility setback.
General Location: West of Ridge Road, north of Maple Street.
Presenting Planner: Bill Longnecker
- 6.** Case No.: CON2016-00009 and ZON2016-00008
Request: City zone change request from B Multi-family Residential to LC Limited and City conditional use request for car sales.
General Location: East of I-135, north of 1st Street, on the east side of Minnesota Street.
Presenting Planner: Bill Longnecker
- 7.** Case No.: ZON2016-00018
Request: City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential.
General Location: South of Central Avenue, west of I-235, east of Eisenhower Avenue on the south side of St. Louis Avenue (5801 W. St. Louis Ave.).
Presenting Planner: Jess McNeely
- 8.** Case No.: CUP2016-00015
Request: City request to create a commercial CUP Community Unit Plan on LC Limited Commercial zoned property.
General Location: Southeast corner of Tyler Road and 29th Street North.
Presenting Planner: Jess McNeely

NON-PUBLIC HEARING ITEMS

- 9.** Case No.: DER2016-00003 (The Final Draft Wichita, Parks, Recreation and Open Space Plan Update 2016 has been sent U.S. Mail to each Planning Commissioner under separate cover.)
Request: Set Public Hearing Date for Adoption of the Wichita Parks, Recreation and Open Space Plan Update 2016 as an element of the Community Investments Plan 2015-2035.
General Location: City and County wide
Presenting Planner: Dave Barber

10. Other Matters/Adjournment

Dale Miller, Secretary

Wichita-Sedgwick County Metropolitan Area Planning Commission

STAFF REPORT

CASE NUMBER: SUB2015-00047 -- SHOCKER ADDITION

OWNER/APPLICANT: Chris Lee, 2102 East 21st Street, Wichita, KS 67214

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

LOCATION: North of West 29th Street North, West of North Arkansas Avenue (District VI)

SITE SIZE: 2.48 acres

NUMBER OF LOTS

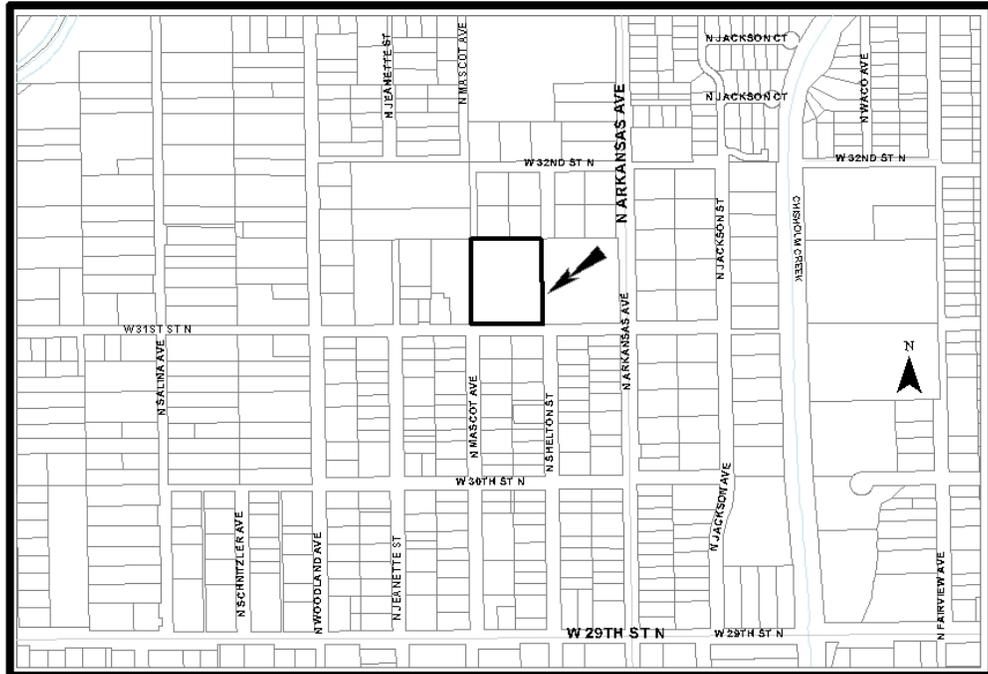
Residential:	9
Office:	
Commercial:	
Industrial:	
Total:	9

MINIMUM LOT AREA: 7,000 square feet

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

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

VICINITY MAP



**SUB2015-00047 -- Plat of SHOCKER ADDITION
May 19, 2016 - Page 2**

NOTE: This is an unplatted site located within the City of Wichita. The site has been approved for a zone change (ZON2015-00009) from Single-Family Residential (SF-5) to Two-Family Residential (TF-3). A conditional use (CON2015-00008) was approved to allow multi-family residential density.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) to serve all lots and extend sewer (laterals) to serve all lots. A utility plan is requested for 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 concept plan.
- D. The drainage and utility easement needs revised to a " street, sidewalk, drainage and utility easement" which is required adjoining a narrow 32-foot street right-of-way.
- E. The platton's text shall include language that the street, sidewalk, drainage and utility easement is hereby granted as indicated for street, sidewalk and drainage purposes and for the construction and maintenance of all public utilities.
- F. The platton's text references sewer easements not shown on the face of the plat.
- G. The applicant shall guarantee the paving of the proposed street. For the narrow public 32-foot street, this guarantee shall be for the 29-foot paving standard.
- H. The streets adjoining the plat (Mascot and Shelton) to the north shall be labelled.
- I. County Surveying requests a distance added on the north lines of Lots 5 and 6, Block 1.
- J. County Surveying requests a bearing added along the north line of Reserve A.
- K. County Surveying requests the addition of the delta for the curve with the 20-foot radius.
- L. County Surveying requests that in the legal description "except the south 30 feet for street right-of-way" needs removed and the 30-foot street dedication labelled.
- M. The owner's signature needs corrected to Christopher J. Lee.
- N. The notary under the owner's certificate needs corrected to "on behalf of the Company".
- O. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.

SUB2015-00047 -- Plat of SHOCKER ADDITION
May 19, 2016 - Page 3

- P. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- Q. 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.
- R. GIS has approved the street name.
- S. 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.
- T. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly installed, permitted and inspected.
- U. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- V. 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.
- W. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- X. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Y. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- Z. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

SUB2015-00047 -- Plat of SHOCKER ADDITION
May 19, 2016 - Page 4

- AA. 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.
- BB. Perimeter closure computations shall be submitted with the final plat tracing.
- CC. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- DD. Westar Energy has advised that no additional easements will be needed if the front lot 15-foot drainage and utility easement is platted as that easement is needed to provide service. Heide Bryan, Subdivision Representative will be the contact for this plat. She can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- EE. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

METROPOLITAN AREA PLANNING COMMISSION

**AGENDA ITEM NO. 2-2
May 19, 2016**

DATE: May 19, 2016
TO: MAPC
FROM: Neil Strahl, Senior Planner
SUBJECT: Amendment to Subdivision Regulations – Plats with Non-Contiguous Blocks

At the Subdivision Committee of May 12, 2016, the Subdivision Committee reviewed the attached memo. They voted 5-0 to retain the current policy on plats and not amend the Subdivision Regulations. Plats with non-contiguous blocks would continue to be permitted.

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

AGENDA ITEM NO. 6

DATE: May 12, 2016
TO: Subdivision Committee
FROM: Neil Strahl, Senior Planner
SUBJECT: Amendment to Subdivision Regulations – Plats with Non-Contiguous Blocks

At the Planning Commission Meeting of April 21, 2016, MAPD was directed by the Planning Commission to draft an amendment regarding subdivisions containing blocks which are not contiguous.

Law Review

County Law has reviewed the issue and Kansas Statutes regarding subdivisions does not include any provisions a) requiring blocks in a plat to be contiguous or b) imposing a maximum distance between blocks.

Subdivision Regulations from other Cities/Counties

Staff conducted a sampling of subdivision regulations in other localities and could not locate any subdivision codes which addressed plats with disconnected blocks.

Frequency of Plats with Non-Contiguous Blocks

At the 4/21/16 MAPC Meeting, MAPD Staff discussed four plats containing fragmented blocks:

C & M Winter Addition – 375-foot separation
Hedge Acres – 215 feet
Cummings Estates – 1000 feet
Hole-in-One Holstein – 1700 feet

Staff involvement with such plats is not common and one local surveyor estimates these types of subdivisions are less than .1% (letter attached). The surveyor also states that these type of subdivisions has not caused any confusion and believes an amendment to the Subdivision Regulations would be unnecessary.

City/County Staff

No members of City or County staff expressed any issues that have developed with these types of disjointed plats. The County Clerk's Office also explained they have no issues with these plats.

MAPD Recommendation

There would appear to be several situations whereby a plat containing non-contiguous blocks may be justified (e.g. phased development, developable lots along perimeter of a non-developable land, replat containing disparate sites, etc). If it is determined that an amendment is necessary, the following may be considered:

“7-203. Blocks. (F) The property being developed shall include blocks that are encouraged to be contiguous and should not be separated unless they were originally part of the same parent tract, in which case the blocks shall not be separated by a distance greater than 5,280 feet.”



Savoy Company, P.A.
Land Surveyors
www.savoyco.com

Wichita, Kansas
433 S. Hydraulic
Wichita, KS 67211-1911
Tel. (316) 265-0005
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El Dorado, Kansas
120 N. Main, Suite 3
El Dorado, KS 67042-2058
Tel. (316) 452-5552
Fax. (316) 452-5682

22 April 2016

Metropolitan Area Planning Department
Current Plans Division
Attn: Neil Evan Strahl
City Hall, 10th Floor
455 N. Main
Wichita, KS 67202-1688

Subject: Guidelines for Subdivisions with Lots which are not contiguous.

Reference: The MAPC Subdivision Committee.

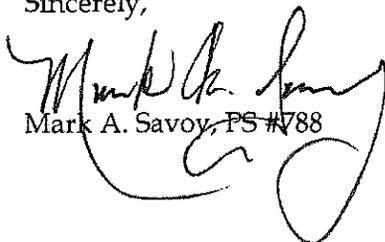
Dear Neil Strahl,

The percentage of these types of subdivisions is probably much less than 1 plat out of a 1,000 plats, which would be 0.1%. These types of plats normally consist of parcels that are out of the same original contiguous ownership or are re-plats out of the same subdivision.

My experience for researching property descriptions extends over a period of 50 years in numerous Cities, Towns and Rural areas in approximately 45 Counties in Kansas. I can't tell you how many legal descriptions that I have researched over the years (easily 1,000 per year), but I can tell you that on the fairly rare occasion that the ownerships of either platted or unplatted parcels consisting of properties that are not contiguous has never caused any confusion. When we do research for a specific property, we also check the descriptions of the adjacent properties to verify that the adjoining properties are contiguous with the parcel that we are researching.

In conclusion, I can't imagine the necessity of creating a specific rule for this type of situation. In my opinion applying common sense and good judgement on a case by case basis by MAPD Staff would be the best guideline for this situation.

Sincerely,


Mark A. Savoy, PS #788



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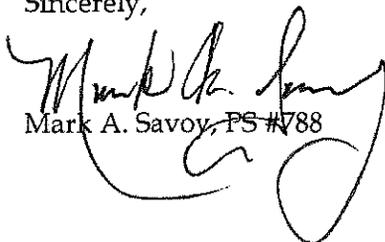
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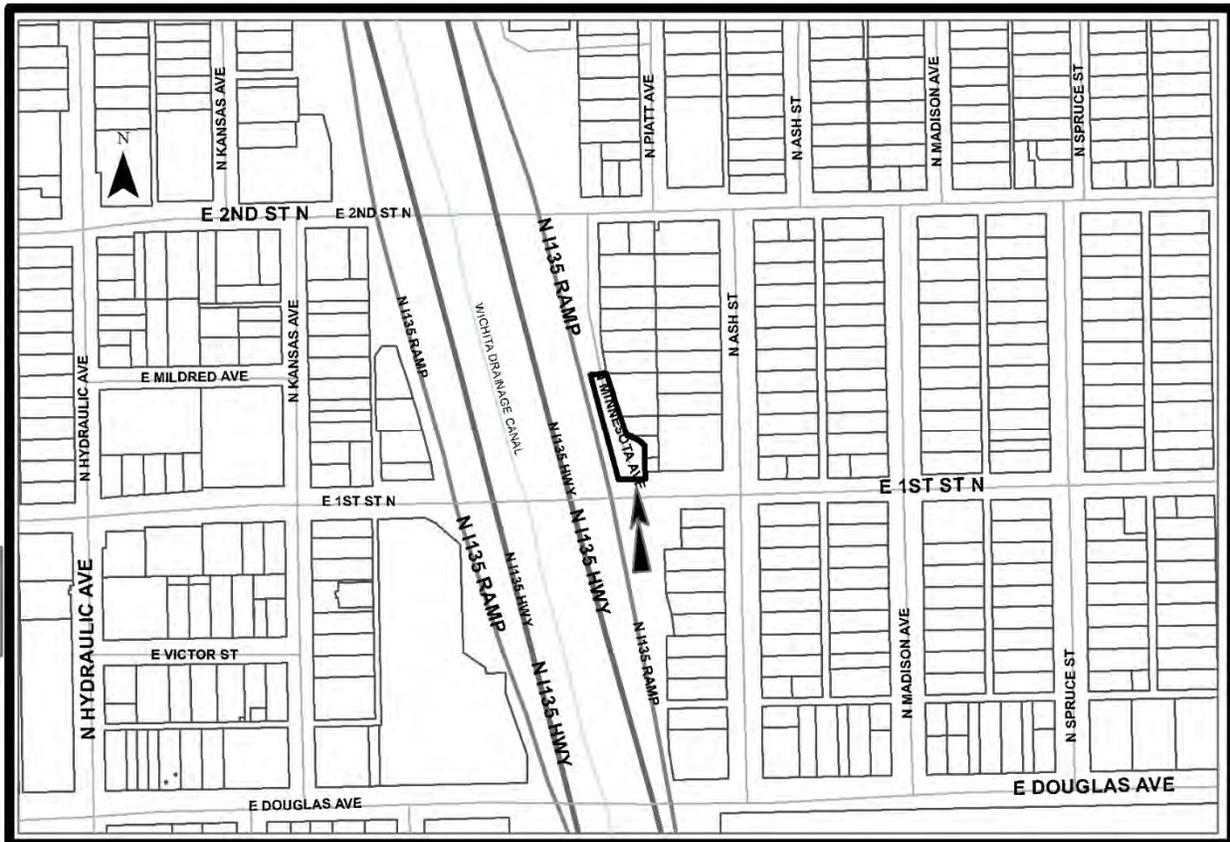
In conclusion, I can't imagine the necessity of creating a specific rule for this type of situation. In my opinion applying common sense and good judgement on a case by case basis by MAPD Staff would be the best guideline for this situation.

Sincerely,


Mark A. Savoy, PS #788

STAFF REPORT

- CASE NUMBER:** VAC2016-00004 - Request to vacate public street right-of-way
- APPLICANT:** Import Auto Center, Inc., Peter A & Sarah J Langenwalter Living Trust (applicants), Kaw Valley Engineering, co Tim Austin
- LEGAL DESCRIPTION:** Generally described as vacating the south approximately 236 feet of the North Minnesota public street right-of-way, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located east of North Interstate Highway I-135 and north of East 1st Street (WCC I)
- REASON FOR REQUEST:** Move cul-de-sac further north
- CURRENT ZONING:** Abutting and adjacent properties are zoned LC Limited Commercial and B Multi-Family Residential
- VICINITY MAP:**



The applicants are requesting the vacation of the south approximately 236 feet of the North Minnesota Street public right-of-way. This portion of Minnesota Street does not intersect with East 1st Street at this location, but ends as a cul-de-sac north of 1st Street. The applicants propose to rebuild the cul-de-sac, which means a portion of the proposed new cul-de-sac will be located on their northmost property, this will require the dedication of public street right-of-way. The applicant proposes the reconstructed cul-de-sac will be per Subdivision Standards. There is a sidewalk located on the north end of the cul-de-sac that runs to 2nd Street. There is a water line, water valve, stormwater line and stormwater inlets locate in the cul-de-sac and the length of Minnesota Street. Westar has no equipment in the area of the vacation and has no objection to this request, as condition # 7 will covers Westar. Becky Thompson is the Construction Services Representative for the Northeast area and can be contacted at 261-6320 for questions concerning Westar equipment. The applicant currently has access/a drive onto Minnesota Street, located just above the radius of the cul-de-sac. Vacation of the right-of-way will not deny any properties access to public street right-of-way and will not change traffic patterns.

Minnesota Street was originally platted as part of the Minneapolis Addition, which was recorded June 9, 1886. The west, abutting section of I-135 was constructed between 1971 and 1978. The construction of I-135 required addition right-of-way and re-routed Minnesota Street. An I-135 frontage road runs parallel to the west side of this portion of Minnesota. The applicant is proposing an expansion of his auto repair business, which the vacation of Minnesota will facilitate.

NOTE: This case was deferred at the March 10, 2016, SD meeting. The applicant requested the deferral so that VAC2016-00004 could be considered at the May 19, 2016, MAPC meeting, which is the same date as his request, for a zone change from B Multi-family Residential (B) to LC Limited Commercial (LC) and an associated Conditional Use for car sales on portions of the property; ZON2016-00008 and CON2016-00009. The proposed vacated Minnesota right-of-way will used for car sales display.

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 February 25, 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 platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) As approved by the Traffic Engineer, vacate the described public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (2) Dedicate by separate instrument public street right-of-way for the relocated cul-de-sac. The cul-de-sac radius will be per the Subdivision Regulations. The original dedication must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.
- (3) Provide a plan for review and approval for the reconstruction of the cul-de-sac and any other required improvements, as required by Public Works and Traffic. The approved private street project for the reconstruction of the cul-de-sac must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (4) Minnesota Street will remain open and in its current configuration until Minnesota Street is reconstructed, per the approved private street project.
- (5) 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 VAC2016-00004 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.
- (6) Dedicate easements by separate instruments to cover all utilities. These original dedications must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds. An alternative would be to dedicate the vacated right-of-way as a utility – drainage easement that must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.
- (7) 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. Becky Thompson is the Construction Services Representative for the Northeast area and can be contacted at 261-6320 for questions concerning Westar equipment.
- (8) All improvements shall be according to City Standards and at the applicants' expense.
- (9) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As approved by the Traffic Engineer, vacate the described public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (2) Dedicate by separate instrument public street right-of-way for the relocated cul-de-sac. The cul-de-sac radius will be per the Subdivision Regulations. The original dedication must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.
- (3) Provide a plan for review and approval for the reconstruction of the cul-de-sac and any other required improvements, as required by Public Works and Traffic. The approved private street project for the reconstruction of the cul-de-sac must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (4) Minnesota Street will remain open and in its current configuration until Minnesota Street is reconstructed, per the approved private street project.
- (5) 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 VAC2016-00004 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.
- (6) Dedicate easements by separate instruments to cover all utilities. These original dedications must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds. An alternative would be to dedicate the vacated right-of-way as a utility – drainage easement that must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Sedgwick County Register of Deeds.
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- (8) All improvements shall be according to City Standards and at the applicants’ expense.

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

STAFF REPORT

CASE NUMBER: VAC2016-00016 - Request to vacate a portion of platted Harry Drive public street right-of-way

APPLICANT/AGENT: Steven J Martens & Michael R Martens (applicant/owner) Ruggles and Bohm, c/o Will Clevenger (agent)

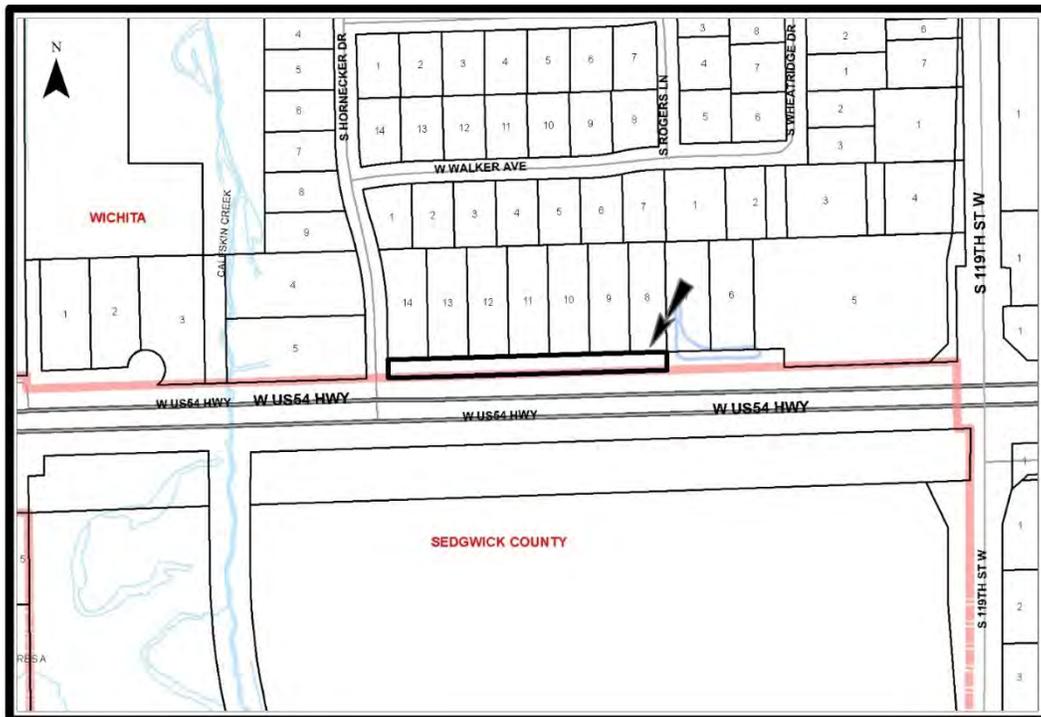
LEGAL DESCRIPTION: Generally described as vacating the 50-foot wide portion of the platted Harry Drive that abuts Hornecker Drive on the west side, Lots 8-14, Block 2, Wheat Ridge Addition on its north side, ending at the west side Lot 7, Block 2, Wheat Ridge Addition on its east side and abuts Kellogg Avenue– US Highway US-54 on its south side, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of 119th Street West, on the north side of Kellogg Avenue – US-54 and east of Hornecker Drive (WCC IV)

REASON FOR REQUEST: Right-of-way will not be used for improvements of Kellogg Street – US-54

CURRENT ZONING: All abutting and adjacent north, east and west properties are zoned GC General Commercial. Kellogg Street – US-54 abuts the south side of the site.

VICINITYMAP:



The applicants are requesting the vacation of the 50-foot wide portion of the unimproved, platted Harry Drive public street right-of-way (ROW) that abuts Hornecker Drive on the west side, Lots 8-14 (subject lots), Block 2, Wheatridge Addition on its north side, ending at the west side Lot 7, Block 2, Wheatridge Addition on its east side and abuts Kellogg Avenue– US Highway US-54 on its south side; a distance of approximately 759.33 feet. VAC2005-00035 vacated the eastern 320-foot long (x) 50-foot wide, portion of Harry Drive ROW that abuts the south sides of Lots 7-6, and a southwest portion of Lot 5, all in Block 2, the Wheatridge Addition; approved December 13, 2005, by the Wichita City Council. The combination of the the current vacation request and VAC2005-00035 appears to leave approximately 20 feet of Harry Drive. The applicants will need to verify if this is a remnant or if the combination of the two noted vacation cases removes all of Harry Drive. There is a platted 35-foot front setback on the subject lots that can be vacated with this case, although it was not requested. The applicant has provided a cross lot access agreement between the subject lots that will provide access to Hornecker Drive, which appear to have access onto Kellogg Avenue – US-54. The Wheatridge Addition plat has complete access control on the abutting Lots 5-14 onto Harry Drive, making the cross lot access agreement necessary; complete access control will be retained. The public ROW Hornecker Drive provides access for the subject lots. Harry Drive will not be used for improvements of Kellogg Street – US-54. Public Works requires the dedication of a 50-foot (x) 50-foot triangle shaped drainage easement located at Harry Drive’s intersection with Hornecker Street. There is existing Westar equipment in the area but condition # 8 will cover Westar. Ennidh Garcia is the Construction Services Representative for the Southwest Area and can be contacted at 261-6320 for questions concerning this this vacation request. The Wheatridge Addition was recorded with the Sedgwick County Register of Deeds on April 8, 1968.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted 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 April 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 platted 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) Provide Planning with a legal description of the vacated Harry Drive 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 VAC2016-00013 proceeding to City Council for final action.
- (2) Vacate the platted 35-foot front yard setback located on and running parallel to the south property lines of Lots 8-14, Block 2, Wheatridge Addition. The described vacated platted setback will be replaced with the GC General Commercial zoning district’s minimum 20-foot front yard setback.

- (3) Verify that VAC2016-00016 and VAC2005-00035 have vacated all of Harry Drive.
- (4) Retain complete access control on the south property lines of Lots 8-14 (subject lots), Block 2, Wheatridge Addition.
- (5) An approved cross lot circulation agreement (with original signatures) for Lots 8-14, Block 2, Wheatridge Addition will be recorded with the Vacation Order at the Sedgwick County Register of Deeds.
- (6) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2016-00016 proceeds 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.
- (7) Dedicate a 50-foot (x) 50-foot drainage easement by separate instrument with original signatures. The original dedication must be provided to Planning prior to VAC2016-00016 proceeds to City Council for final action and subsequent recording, with the Vacation Order, at the Sedgwick County Register of Deeds.
- (8) Westar has equipment in the area of the vacation activity. Contact Ennidh Garcia, the Westar Construction Services Representative for the Southwest Area, at 261-6859 for questions/direction concerning Westar equipment located in the area of the vacation. 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) or the permission to proceed from Westar to Planning prior to the case going to City Council for final action.
- (9) All improvements shall be according to City Standards and at the applicants' expense.
- (10) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide Planning with a legal description of the vacated Harry Drive 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 VAC2016-00013 proceeding to City Council for final action.
- (2) Vacate the platted 35-foot front yard setback located on and running parallel to the south property lines of Lots 8-14, Block 2, Wheatridge Addition. The described vacated platted setback will be replaced with the GC General Commercial zoning district's minimum 20-foot front yard setback.
- (3) Verify that VAC2016-00016 and VAC2005-00035 have vacated all of Harry Drive.

- (4) Retain complete access control on the south property lines of Lots 8-14 (subject lots), Block 2, Wheatridge Addition.
- (5) An approved cross lot circulation agreement (with original signatures) for Lots 8-14, Block 2, Wheatridge Addition will be recorded with the Vacation Order at the Sedgwick County Register of Deeds.
- (6) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2016-00016 proceeds 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.
- (7) Dedicate a 50-foot (x) 50-foot drainage easement by separate instrument with original signatures. The original dedication must be provided to Planning prior to VAC2016-00016 proceeds to City Council for final action and subsequent recording, with the Vacation Order, at the Sedgwick County Register of Deeds.
- (8) Westar has equipment in the area of the vacation activity. Contact Ennidh Garcia, the Westar Construction Services Representative for the Southwest Area, at 261-6859 for questions/direction concerning Westar equipment located in the area of the vacation. 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) or the permission to proceed from Westar to Planning prior to the case going to City Council for final action.
- (9) All improvements shall be according to City Standards and at the applicants' expense.
- (10) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

CASE NUMBER: VAC2016-00017 - Request to vacate a portion of platted complete access control

APPLICANT/AGENT: Slawson East, Inc. (applicant/owner) PEC, c/o Charlie Brown (agent)

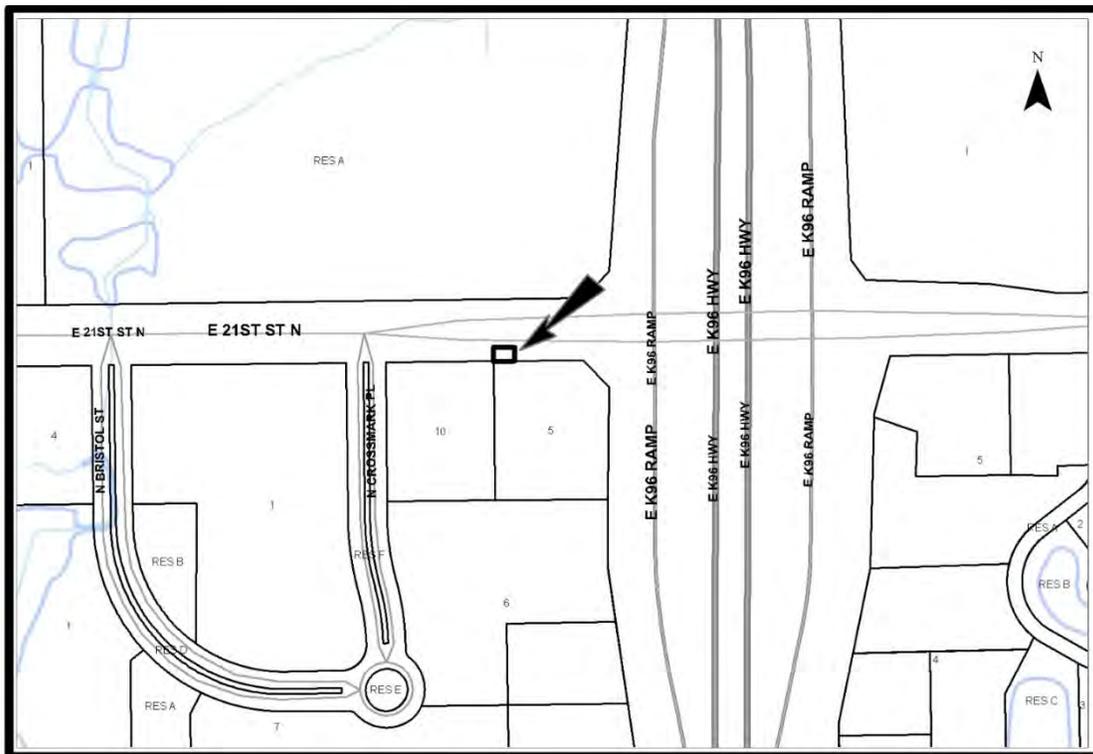
LEGAL DESCRIPTION: Generally described as vacating 40 feet of 433.7 feet of platted complete access control onto 21st Street North, located on the northwest property line of Lot 5, Block 1, Cross Point 2nd Addition, Sedgwick County, Kansas.

LOCATION: Generally located on the southwest side of 21st Street North and Kansas Highway K-96 (WCC #3)

REASON FOR REQUEST: To allow a right-in – right-out drive

CURRENT ZONING: The site and the abutting and adjacent east, south and east properties are zoned LC Limited Commercial. The adjacent north properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant proposes to vacate 40 feet of 433.7 feet of platted complete access control onto 21st Street North, located on the northwest property line of Lot 5, Block 1, Cross Pointe 2nd Addition (the subject site). The applicant proposes a right-in – right-out drive onto 21st Street North. 21st Street North is a paved four-lane, two-way, arterial road at this location. The east end of a full curbed landscaped (grass) median strip lines up with the proposed vacated portion of platted complete access control. To more fully ensure that the proposed drive is right-in – right-out it, the full curbed landscaped median strip may have to be extended further west. Currently the subject site has access to 21st Street North via the public street Crossmark Place by a 45-foot access easement abutting the south side of the subject site. The abutting west property, Lot 10, Block 1, Cross Pointe Addition (recorded July 22, 2005), has direct access onto the public street Crossmark Place, which provides access to 21st Street North.

The proposed drive would be located approximately 211 feet east of the public street Crossmark Place and 220 feet west of the 21st Street North – Kansas Highway K-96 interchange. The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections.

There does not appear to be any public utilities located in the area of the vacation. Westar has equipment in the vacation area but Westar has no objection to this request as condition # 3 will cover Westar. Becky Thompson is the Construction Services Representative for the Northeast Area and can be contacted at 261-6320 for direction on this request. The Cross Pointe 2nd Addition was recorded with the Sedgwick County Register of Deeds on January 3, 2008.

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

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

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

- (1) Vacate that portion platted access control to allow one drive onto the sites' 21st Street North frontage, as approved by Public Works - Traffic. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to the City Council for final action.

- (2) If necessary provide a plan for review and approval to extend the full curbed landscaped median strip further west. If required provide Planning with a private project number of the approved plan. This must be provided to Planning prior to the case going to the City Council for final action.
- (3) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide written approval from the utility companies prior to the case going to the City Council for final action. Becky Thompson is the Westar Construction Services Representative for the Northeast Area and can be contacted at 261-6320 for direction on this request in regards to Westar equipment.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including all required plans, permits, inspections and the construction of the drive onto 21st Street North.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion platted access control to allow one drive onto the sites' 21st Street North frontage, as approved by Public Works - Traffic. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to the City Council for final action.
- (2) If necessary provide a plan for review and approval to extend the full curbed landscaped median strip further west. If required provide Planning with a private project number of the approved plan. This must be provided to Planning prior to the case going to the City Council for final action.
- (3) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide written approval from the utility companies prior to the case going to the City Council for final action. Becky Thompson is the Westar Construction Services Representative for the Northeast Area and can be contacted at 261-6320 for direction on this request in regards to Westar equipment.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including all required plans, permits, inspections and the construction of the drive onto 21st Street North.
- (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 is requesting LI Limited Industrial (LI) zoning on the 11.21-acre, unplatted SF-5 Single-Family Residential (SF-5) and GC General Commercial (GC) site. The site is located a block west of Greenwich Road, abuts the north side of I-35 on the northwest side of the Gilbert and Trig Streets intersection. East Kellogg Avenue/US-54 is located approximately 380 feet north of the site. At the time the report was prepared for the February 4, 2016, MAPC meeting the site was an overgrown field.

Since the February 4, 2016, MAPC meeting the applicant has bull dozed most of the site's trees, brush and weeds and piled them on the east side of the site. Meanwhile construction on the East Kellogg Street improvements has accelerated and it appears that the west portion of the SF-5 zoned site and/or the west abutting GC zoned property is being used to stock pile dirt from the Kellogg Street improvements. Stock piling dirt (outdoor storage) is not permitted in the SF-5 zoning district, but is permitted in the LI and GC zoning district. Graders and dump trucks have been observed in the area of the site crossing a City owned drainage easement for access to the west portion of the site. The Kellogg Street improvements has allowed the temporary crossing of the City owned drainage easement, but this could be stopped if the City finds damage to the drainage easement. Permanent access to the west side of the site would require the applicant to construct a permanent bridge over the drainage easement and reach an agreement with the abutting west property owner to cross over their land or purchase the needed land from the abutting west property owner. Planning is not aware of any dialogue with the City or the abutting west property owner that would provide permanent access to the site from the west. Trig and Gilbert Streets are currently the only access to the site and there are no plans for improvements to these sand and gravel residential streets. The completion of this phase of Kellogg/US-54 improvements is set at 2019-2020.

As noted a large GC zoned City owned drainage easement abuts the north side of the site. A GC zoned western clothing store is located north of the drainage. Further north of the site, across Kellogg Street – US-54 Highway, is the long established (1940) LI zoned Beech Aircraft manufacturing complex. GC zoned undeveloped land and what appears to be unimproved parking abut the west side of the site. As earlier stated this GC zoned land appears to be used for temporary access to the site and may have stock piles of dirt on it. GC zoned Nissan and Mazda car sales lots are located further west. Six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site, as is a GC zoned single-family residence (built 1954) and undeveloped GC zoned land. A GC zoned Green Lantern car wash, undeveloped GC zoned land, a LC Limited Commercial (LC) zoned small commercial strip building, and SF-5 zoned cleared lots and two single-family residences are located a short block east of the site, along the west side of Greenwich Road. The noted SF-5 zoned single-family residences in area are the remnants of 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.

Based on design for the improvements to this portion of Kellogg/US-54 and its intersection with Greenwich Road, Trig Street provides the preferred access to the site. Gilbert Street provides access to Greenwich Road. However, the Gilbert Street – Greenwich Road intersection's close proximity to the I-35 overpass triggers public safety concerns in regards to a sight restrictions. Trig Street will intersect with the Kellogg Street frontage road, which will be a one way street

east to the noted intersection. If the zoning is approved, Trig Street will have to be paved per City standards. The City has no plans to pave Trig Street and has not been presented with a petition to pave Trig Street. Currently the six SF-5 zoned single-family residences located on the east side of Trig Street generate almost all of the traffic onto Trig Street, with the exception of cut through traffic using Trig Street to avoid the Kellogg Street – Greenwich Road intersection. The completion of this phase of Kellogg/US-54 improvements is set at 2019-2020.

The closest LI zoned properties to the site are located east and north of the site. Approximately 740 feet east of the site, across Greenwich Road are LI zoned properties with a covenant COV-6 and a community plan CUP DP-196 overlays, which have provisions for uses, screening, outdoor storage, signs, lighting, building height, landscaping, etc. The long established (1940) LI zoned Beechcraft Airplane manufacturing complex is located approximately 720 feet north of the site, across Kellogg Street.

CASE HISTORY: The site is undeveloped and based on historical aerials appears to have been undeveloped since the 1970s. The MAPC considered this case at their February 4, 2016 meeting. The adjacent single-family residences opposed the LI zoning request. Their concerns included having industrial truck traffic on the sand and gravel residential Trig and Gilbert Streets, which are the only streets they have to get to and from their homes. Neither Trig nor Gilbert Streets were built for industrial traffic, which would damage the roads, creates dust in dry weather and pose a public safety problem to their families. The neighbors noted that Trig and Gilbert Streets were already used as a way for vehicular traffic to avoid the Greenwich Road – Kellogg Street intersection located a block east of their homes. The neighbors were also concerned that outdoor storage would bring down the value of other properties in the area, as well as frustration in not knowing what the LI zoning would allow. The MAPC deferred a recommendation on the request for 90 days. The MAPC will reconsider the case at their May 19, 2016, meeting. The case was also scheduled for the February 8, 2016, District Advisory Board (DAB) II meeting. However a recommendation by DAB II was deferred until its May 9, 2016, meeting.

At the May 9, 2016, DAB II meeting the adjacent single-family residences restated their opposition to the proposed LI zoning. The neighbors also noted that since the February 4, 2016, MAPC meeting the construction on the East Kellogg Street improvements has accelerated and has increased their concerns of the immediate and future impact of the proposed LI zoning on their properties. The neighbors expressed concerns about the site throwing more water off the site and onto Trig Street and their yards. The neighbors questioned how the applicants' were allowed to stock pile dirt on the still SF-5 zoned property, leaving them to wonder if they could do the same on their SF-5 zoned property. They noted that the stock piling of dirt on the subject property has increased the dust in the area and that industrial truck traffic was still using Trig Street to get in and out of the site. They noted that if the applicant had left a portion of the trees up on the east side of the site that they could have provided a buffer between their homes and the dirt stock piles and the graders and trucks moving the dirt on and off the site. They noted that the trees, bushes and grass had not been piled up but left where they had been dozed over. It must be noted that if the applicants propose to burn the trees, bushes and grass on the site, the activity would be defined as a limited construction burn site; UZC Sec.III-B.3.1. A limited construction burn site on LI zoned property is permitted by right if the site can meet the property development

standards listed in Sec.III-C.12. of the UZC. If the property development standards are not met consideration of a conditional use is required.

The applicants' response to the stock piling of dirt on the site was that they had a three-year contract with Sherwood Construction, a contractor working on the Kellogg improvements for the stock piling of dirt and the parking of their equipment on the site. The applicants stated that they would not use Trig Street until the improvements to Kellogg were complete and the property was platted. The applicants stated that at the time of platting the entrance to their site would be determined and that they would pay for the paving of Trig Street from the Kellogg frontage road to their entrance. The applicants also stated that they would contact Sherwood Construction no later than tomorrow to tell them not to use Trig Street to get to the site. The applicants also told the neighbors that they would begin and finish the construction of an eight-foot tall berm the length of the east side of their property in 60 days to screen the site from the neighbors and discourage vehicular traffic from cutting through the their site to Trig Street and Gilbert Street.

The DAB's recommendation was to approve the LI zoning with the provisions of the Protective Overlay and the following additional provisions:

- (1) The applicant will not use Trig Street or Gilbert Streets until the improvements on East Kellogg are completed (2019-2020) and the property has been platted, after which the applicant will pave Trig Street at their expense from its intersection with the Kellogg frontage road to the entrance(s) of their property, per City Standards.
- (2) Access to the site for life of the East Kellogg Street improvements (2019-2020) will be confined to the northwest portion of the site.
- (3) The applicant will call Sherwood Construction to instruct them to keep all construction traffic off of Trig and Gilbert Streets and only use the current northwest entrance to the site.
- (4) The applicant will construct and complete an eight-foot tall berm for the length of the east side of the site seeded with a grass to hold it together within 60 days of May 9, 2016, DAB II meeting.
- (5) The City will install "No construction truck traffic" signs on Trig and Gilbert Streets during the life (2019-2020) of this portion of the construction/improvements to East Kellogg Street.

Since the DAB II meeting Planning Staff has found the posting of no construction truck traffic signs on Trig and Gilbert Streets requires an amendment to the provisions of City Code Section 11.40.010. This section has a list of streets in the city where no commercial truck traffic is permitted. Public Works is hesitant in putting staggered construction barriers on the north portion of Trig Street, expressing doubts in their effectiveness and not wanting to funnel traffic from the neighborhood onto the sand and gravel Gilbert Street's intersection with Greenwich Road because of public safety concerns due to its close proximity to the I-35 overpass in regards to a sight restrictions. Public Works has contacted the manager (Wildcat Construction Company) of the Kellogg improvements to tell them not to use Trig or Gilbert Streets to get to the subject site during the life of the project. Wildcat Construction Company has responded that they don't plan on utilizing Trig Street for routine ingress or egress to the storage (subject) site during construction, but occasional use may be needed for erosion control, maintenance, dust control and/or seeding of the storage pile. They have also expressed a desire to be a good neighbor during the construction – improvements to this portion of Kellogg Street and that as long as they continue to have access across the City property to and

from the northwest and west side of the storage (subject) site to the south frontage road, they do not see a need to utilize Trig Street.

ADJACENT ZONING AND LAND USE:

NORTH:	GC, Kellogg/US-54	Western clothes store, drainage easement, land cleared for improvements to Kellogg/US-54, aircraft manufacturing
SOUTH:	I-35, SF-5	Interstate Highway I-35, single-family residences
EAST:	SF-5, GC, LC S	Single-family residences, undeveloped land, retail strip building, car wash
WEST:	GC	Undeveloped land, car sales

PUBLIC SERVICES: Public water and sewer are located in the Trig Street right-of-way. Access to the site is currently provide by the local, sand and gravel residential Trig Street. Access to the arterial Greenwich Road is via Trig Street to the sand and gravel Gilbert Street. Direct full movement access to the arterial Kellogg/US-54 is via Trig Street. Improvements to the Kellogg/US-54 will provide access to the Kellogg/US-54 frontage road, which in turn will provide access to the east Kellogg/US-54-Greenwich Road intersection and west along the frontage road. Completion of this phase of Kellogg/US-54 improvements are set at 2019-2020.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “new employment” development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed. There are no existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials in this area. The area is developed with large car sales lots, big box retail (Lowe’s and Wal-Mart), commercial strips and stand-alone retail/commercial.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification. If approved the proposed LI zoning would mean that the site does not meet the locational criteria of industrial land having direct access to arterial roads. Access to the site is via Trig Street a sand and gravel residential street. The locational criteria also states that industrial traffic shall not go through a residential neighborhood. The area cannot not be described as residential, but six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site. These residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953. LI zoning does not permit any residential development. Since 2000 the area has been extensively developed with large retail complexes.

RECOMMENDATION: Applying provisions of a protective overlay (PO) to the request for LI

zoning will allow the applicants the opportunity for commercial and limited industrial development on the site as well as eliminating some of the industrial uses permitted by right that are out of character with the existing development in the area, most which has occurred since 2000 and has been anchored by the big box stores Wal-Mart and Lowes. When a PO is applied to a base zoning district the result is a more restrictive designation than if the base district did not have the PO classification; UZC. Sec.III-C.6.s. The proposed PO in an attempt to buffer the remaining single-family residences from industrial development, but allow the applicant to use and develop the site. Based upon information available prior to the public hearings, planning staff recommends that the proposed conditional use be APPROVED, subject to the following provisions of a protective overlay:

1. Prohibited Land Uses –

- a. Pawn Shop, Private and Public Recycling Collection Stations, Recycling Processing Center, Reverse Vending Machine, Rodeo in the City, Sexually Oriented Business, Tattooing and Body Piercing Facility, Asphalt and/or Concrete Plant, Landfill, Mining or Quarrying, Oil and Gas Drilling, Rock Crushing, Solid Waste Incinerator, Transfer Station, Wrecking/Salvage Yard.
- b. In addition to the prohibited uses listed 1.a.) the following uses are prohibited as long as the SF-5 Single Family Residential Zoning remains on the Properties located on the east side of Trig Street (being legally described as: Lots 5, 6, 7, 8, 9, 10, and 11, East Kellogg Acres, Sedgwick County, Kansas): Correctional Facility, Correctional Placement Residence, Nightclub in the City, and Tavern or Drinking Establishment.
- c. As long as the SF-5 Single-Family Residences remain on Trig Street, any stock piling of dirt, sand or gravel shall require the property owner to employ dust control methods such as having a water trucks or an irrigation system on site to spray the dirt sand or gravel piles frequently enough to keep the dust on the site.

2. Transportation –

- a. The applicant or any entity using the subject site will not use Trig Street until the improvements on East Kellogg are completed (2019-2020) and the property has been platted, after which the applicant/owner will pave Trig Street, per city standards, at their expense from its intersection with the Kellogg frontage road to the entrances of their property.
- b. Access to the site for the life of this portion of the East Kellogg Street construction - improvements (2019-2020) will be confined to the northwest and west portions of the site. No access to the site via Trig and Gilbert Streets for the life of this portion of the East Kellogg Street construction - improvements (2019-2020)
- c. The applicant will request the City to post signs, at the applicant's expense, prohibiting commercial/industrial truck traffic from using Gilbert Street to get to and from the site. These signs shall be placed for the life of this portion of the East Kellogg Street construction - improvements (2019-2020) and after said project.
- d. The applicant shall monitor Sherwood Construction (or whoever is using the site during the life of the Kellogg Street improvements – 2019-20120) to instruct them

to keep all construction traffic off of Trig and Gilbert Streets and only use the current northwest or west entrance to the site

3. Screening – If the said properties located on the east side of Trig Street remain zoned SF-5 at the time of development, then the following screening and landscaping provisions are required. (Lots 5, 6, 7, 8, 9, 10, and 11, East Kellogg Acres, Sedgwick County, Kansas)
 - a. An eight-foot tall berm seeded with a grass to hold it together will be constructed along the length of the east property line within 60 days of the May 9, 2016, DAB II meeting. The berm will remain and be maintained on the site for the life of this section of the East Kellogg Street construction - improvements (2019-2020), after which it may be applied towards permanent screening or substituted with the next listed b. or c. Using it as permanent screening would still require this side of the site to comply with the Landscape Ordinance.
 - b. A minimum 8 foot tall masonry wall shall be built along the site's east side of the subject property, along Trig Street, except however for access drives or street locations into the subject property. Landscaping will be per the Landscape Ordinance. Screening and landscaping shall be constructed within 120 days of a building permit being issued.
 - c. A landscaped berm may substitute 3.b., if; landscape screening is planted with evergreen trees planted in a double row staggered/offset atop a three to four foot tall berm. The trees shall be irrigated to sustain them and shall be planted at a minimum rate of 16 feet on center and shall be a minimum of 6 feet in height at the time of planting.
 - d. Existing landscaping within the south 20 feet of the south property, if maintained, satisfies the landscape street yard requirement, if it meets the standards of the Landscape Ordinance. If there is outdoor storage within 150 feet of the south property line solid screening will be required if removed.
 - e. A landscape plan shall be reviewed and approved by the Planning Director.
 - f. All landscape material that dies shall be replaced within 30 days.
 - g. All screening and landscaping will be per code, unless otherwise noted.
4. All rooftop mechanical equipment shall be screened from ground view per the U.Z.C. All loading, docking areas and trash receptacles shall be screened from ground view and along I-35 as approved by the Planning Director.
5. Signage – shall be as permitted in the Limited Industrial LI Zoning District provided the following standards:
 - a. All ground signs will be pylon or monuments.
 - b. Only one building sign per building shall be allowed along I-35 frontage.
 - c. If the said properties located on the east side of Trig Street remain zoned SF-5 at the time of development of the subject property, then:

- i. Building signs shall only be permitted on the south, north and west sides of the building unless they can be seen from said SF-5 properties.
 - ii. Portable signs, flashing or animated signs, pennants, banners, and balloon signs are not permitted.
 - iii. Backlit canopies and neon or florescent tube lighting on buildings are not permitted.
 - iv. The maximum height of ground signs shall be 10 foot along Trig Street, all other signs shall not exceed 20 feet tall. The maximum sign area of street signs shall be 250 square feet, EXCEPT along Trig Street which shall be limited to a maximum of 150 square feet.
 - v. No grounds signs along Trig Street shall lit, provided ground lighting is allowed for monument signs. The lighting shall be turned off between the hours of 8:00 PM to 6:00 AM.
6. A minimum of a 35 foot building setback shall be required along the Trig Street and I-35. No pole lights, or outdoor storage is allowed in the 35 foot building setback.
 7. All exterior lighting shall be shielded to direct light downward. Pole lights, including the base shall be no taller than 15 feet if the said properties located on the east side of Trig Street remain zoned SF-5 at the time of development.
 8. Compatibility height, setback and light standards shall apply, unless otherwise noted.
 9. All utilities shall be underground.
 10. Parking shall be paved per City Standards and a drainage plan must be provided for review and approval.
 11. No building permits will be issued until the site is platted.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** The area is located along the Kellogg/US-54 corridor and abuts I-35, with access onto Greenwich Road, which, with Broadway Avenue – US-81 Highway is perhaps the only paved, north-south, county line to county line arterial road in Wichita and Sedgwick County. The area is a mix of GC, LI, and LC zoning, most with development overlays, which have developed into big box stores Wal-Mart and Lowes anchoring stand-alone fast food restaurants, stand-alone retail and small commercial strip buildings. The LI zoned Beechcraft Airplane manufacturing complex (1940) is located approximately 720 feet north of the site, across Kellogg Street. The area also has at least five major automobile dealerships. The area’s nine single-family residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The unplatted 11.21-acres SF-5 zoned site could be developed as single-family residential subdivision. However, the area’s development trend is large scale commercial and major

auto dealerships, which reflects the areas access to Kellogg/US-54 corridor, the arterial Greenwich Road and the area's visibility from the abutting I-35.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The provisions of the protective overlay are intended to conform the site to the area's commercial development, most of which was established or redeveloped beginning in the early 2000s, as well buffer the remaining existing single-family residential development. The provisions of the PO and the requested zoning are intended to allow development of a site that has been vacant since at least the 1970s.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2035 Wichita Growth Concept Map" of the Comprehensive Plan identifies the general location as appropriate for "new employment" development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification. If approved the proposed LI zoning would mean that the site does not meet the locational criteria of industrial land having direct access to arterial roads and not having industrial traffic go through a residential neighborhood. Access to the site is via Trig Street a sand and gravel residential street. The area cannot not be described as residential, but six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site. These residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953. Since 2000 the area has been extensively developed with large retail complexes.

- (5) **Impact of the proposed development on community facilities:** The site will generate industrial truck traffic onto Trig Street, Kellogg/US-54, Greenwich Road and perhaps Gilbert Street.

**EXCERPT MINUTES OF FEBRUARY 4, 2016 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

Case No.: ZON2015-00052 (Deferred from 1-21-16) - Paul D. & Virginia M. Treadwell; R. Brandon Wilson; H. Wayne & Glenda R. Foster and Robert & Jeanneane M. Hall (owners/applicants) and MKEC, c/o Brian Lindebak (agent) request a City a zone change from SF-5 Single-family Residential and GC General Commercial to LI Limited Industrial on property described as:

The West half of the Northeast Quarter of the Northeast Quarter EXCEPT the North 600 feet, all in Section 28, Township 27, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

AND

The South 49.34 feet of the North 600 feet of the West half of the Northeast Quarter of the Northeast Quarter, all in Section 28, Township 27, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting LI Limited Industrial (LI) zoning on the 11.21-acre, unplatted SF-5 Single-Family Residential (SF-5) and GC General Commercial (GC) site. The site is located a block west of Greenwich Road, abuts the north side of I-35 on the northwest side of the Gilbert and Trig Streets intersection. Kellogg Avenue/US-54 is located approximately 380 feet north of the site. The site is currently an overgrown field.

A large GC zoned drainage easement abuts the north side of the site. The current improvements to Kellogg/US-54 will remove the north, adjacent GC zoned western clothing store. GC zoned undeveloped land and what appears to be unimproved parking abut the west side of the site. GC zoned Nissan and Mazda car sales lots are located further west. Six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site, as is a GC zoned single-family residence (built 1954) and undeveloped GC zoned land. A GC zoned Green Lantern car wash, undeveloped GC zoned land, a LC Limited Commercial (LC) zoned small commercial strip building, and SF-5 zoned cleared lots and two single-family residences are located a short block east of the site, along the east side of Greenwich Road. The noted SF-5 zoned single-family residences in area are the remnants of 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.

The closest LI zoned properties to the site are located east of the site, across Greenwich Road., approximately 740 feet east of the site. The LI zoned properties have covenant COV-6 and community plan CUP DP-196 overlays, which have provisions for uses, screening, outdoor storage, signs, lighting, building height, landscaping, etc.

CASE HISTORY: The site is undeveloped and based on historical aerials appears to have been undeveloped since the 1970s.

ADJACENT ZONING AND LAND USE:

NORTH: GC, Kellogg/US-54 Western clothes store, drainage easement, land cleared for improvements to Kellogg/US-54
SOUTH: I-35, SF-5 Interstate Highway I-35, single-family residences
EAST: SF-5, GC, LC S Single-family residences, undeveloped land, retail strip building, car wash
WEST: GC Undeveloped land, car sales

PUBLIC SERVICES: Public water and sewer are located in the Trig Street right-of-way. Access to the site is currently provided by the local, sand and gravel residential Trig Street. Access to the arterial Greenwich Road is via Trig Street to the sand and gravel Gilbert Street. Direct full movement access to the arterial Kellogg/US-54 is via Trig Street. Improvements to the Kellogg/US-54 will provide access to the Kellogg/US-54 frontage road, which in turn will provide access to the east Kellogg/US-54-Greenwich Road intersection and west along the frontage road.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “new employment” development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification.

RECOMMENDATION: Applying provisions of a protective overlay to the request for LI zoning will allow the applicants the opportunity for commercial development on the site as well as eliminating some of the industrial uses permitted by right that are out of character with the existing development in the area, most which has occurred since 2000 and has been anchored by the big box stores Wal-Mart and Lowes. Based upon information available prior to the public hearings, planning staff recommends that the proposed conditional use be APPROVED, subject to platting within a year and the following provisions of a protective overlay:

- 1) The following uses are prohibited: correctional facility, correctional placement residence, nightclub in the city, pawn shop, private and public recycling collection stations, recycling processing center, reverse vending machine, rodeo in the city, sexually oriented business, tattooing and body piercing facility, tavern or drinking establishment, asphalt or concrete plant, vehicle storage yard, landfill, mining or quarrying, oil and gas drilling, rock crushing, solid waste incinerator, transfer station, wrecking/salvage yard.
- 2) Trig Street will be paved per the City’s industrial standards, at the applicant’s expense, from the site’s entrances to Kellogg/US-54. No vehicular traffic generated from the site will use Trig Street from the site’s south-most entrance to Gilbert Street. No vehicular traffic on Greenwich Road going to the site will use Gilbert Street and then Trig Street to get to the site.

- 3) An 8-foot wall will be built along the site's east side, its Trig Street frontage and along its south side where the site abuts I-35. A landscaped berm that equals the wall can be used. All loading, docking areas, and trash receptacles shall be screened from ground level view and along I-35 as approved by the Planning Director.
- 4) All roof top mechanical equipment shall be screened from ground level view per the UZC.
- 5) Landscaping will be per the City of Wichita's Landscape Ordinance, including landscaping along its south side where the site abuts I-35.
- 6) Signage shall be as permitted in the GC zoning district with the following standards. One building sign along I-35. No free standing signs along I-35. One 20-foot tall, 250-square foot free standing monument sign along Kellogg/US-54. Portable and off site signs, including billboards are not permitted. Back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 7) A 35-foot setback along the site's east side. No pole lights allowed in the 35-foot setback.
- 8) All exterior lighting shall be shielded to direct light downward. Pole lights, including the base shall be no taller 15 feet.
- 9) Compatibility height standards shall apply.
- 10) All utilities shall be underground.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** The area is located along the Kellogg/US-54 corridor and abuts I-35, with access onto Greenwich Road, perhaps the only paved, north-south, county line to county line arterial road in Wichita and Sedgwick County. The area is a mix of GC, LI, and LC zoning, most with development overlays, which have developed into big box stores Wal-Mart and Lowes anchoring stand-alone fast food restaurants, stand-alone retail and small commercial strip buildings. The area also has at least five major automobile dealerships. The area's nine single-family residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The unplatted 11.21-acres SF-5 zoned site could be developed as single-family residential subdivision. However, the area's development trend is large scale commercial and major auto dealerships, which reflects the areas access to Kellogg/US-54 corridor, the arterial Greenwich Road and the site's visibility from the abutting I-35.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The provisions of the protective overlay are intended to conform the site with the area's commercial development, most of which was established or redeveloped beginning in the early 2000s, as well as the remaining existing single-family residential development.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “new employment” development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification.

- (5) **Impact of the proposed development on community facilities:** The site may generate industrial truck traffic onto Trig Street, Kellogg/US-54 and Greenwich Road.

BILL LONGNECKER, Planning Staff presented the Staff Report.

FOSTER recused himself from the item and left the bench.

LONGNECKER provided revised conditions (#’s 1-10) as a handout and reviewed each item.

RICHARDSON asked staff to define storage yard.

LONGNECKER said the definition is in the Unified Zoning Code (UZC). He clarified that storage yard allows for storage of recreational vehicles, boats, trailers or cars but all vehicles have to be operable. He said if the vehicles aren’t operable it would be considered a wrecking and salvage yard.

RICHARDSON asked how no traffic on Gilbert would be enforced. He said anyone coming from the north or east will have to go all the way to Webb Road and come back on the frontage road in order to use Trig Street. He added or someone could come south on Greenwich Road and turn onto Gilbert.

LONGNECKER said a “no truck traffic” sign could be posted. He said traffic on Gilbert is a public safety issue as it is. He said other than posting a sign he was not sure what could be done.

RICHARDSON said if there is going to be industrial traffic, the street needs to be paved. He said you can’t keep traffic off of Gilbert unless you block the street. He asked about the reference to the lots to the east remaining zoned single-family and asked if the property could be developed across from any of the lots that were rezoned.

LONGNECKER clarified that the intent was if “any” of the lots remain SF-5 Single-family zoning then the prohibition would apply.

RICHARDSON commented then he thinks the language needs to be changed.

LONGNECKER said staff could do that.

ELLISON asked staff to explain again how truck traffic off of Kellogg would get to the site.

LONGNECKER said the trucks could take the frontage road into Trig Street.

RICHARDSON said the frontage road will be one-way like it is all along Kellogg and reiterated that people will have to go clear to Webb Road and circle back.

LONGNECKER said he would check with Public Works because he was not sure of that. He said he did check with Public Works and it was his impression that drivers could use the frontage road and go down to Webb Road and turn around. He said access issues will be addressed at platting which was scheduled to be within four years.

RICHARDSON questioned giving the applicant four years to plat the property instead of the usual year.

LONGNECKER said the extended platting time is to see how traffic along Kellogg settles down after the improvements are made.

MCKAY clarified staff and Commissioner Richardson were talking about the same thing, going to Webb Road and coming back to Trig Street. He asked about fire protection, with only one way in and out of the area.

LONGNECKER said Public Works agreed that Trig Street would be the primary point of access. He said they were not keen about allowing truck traffic onto Gilbert due to the sight restrictions because of the overpass and railings. He said those issues will be sorted out at the platting phase.

BRIAN LINDEBAK, MKEC ENGINEERING, 411 NORTH WEBB ROAD, AGENT FOR THE OWNERS said they have worked with staff diligently to come up with a workable solution because there are some complicated issues on the site. He said the amended language will be beneficial to the single-family homes to the east of the site. In reference to the four year platting extension, he said although it is not a policy yet, there is a policy change coming through channels to change platting requirements to five years as opposed to one year. He said the highway is being developed and there is a lot of turmoil in the area as far as creating access issues. He said they do not know if the site will develop immediately and that is why they are asking for the platting extension. He said he would be happy to answer any questions.

MCKAY asked who owned the property to the north.

LINDEBAK said the City owns the ditch and the former Dandales Western Store location.

MCKAY asked about possible access from the frontage road via the northwest corner of the property to the north.

LINDEBAK stated he didn't know about access along the frontage road.

MCKAY commented that if the ownership was the same access to the property could be via the northwest corner and then they would not have to worry about issues along Trig Street.

LINDEBAK said that may be a plausible solution; however, it was his understanding that there would be no direct access to the frontage road from that location. He said Trig Street will have direct access to the frontage road.

DENNIS asked if construction has started on the site.

LINDEBAK said no construction has started but he understands there is an agreement for some soil to be placed on the property. He said the applicant intends to preserve the east side of the property as it is today.

DENNIS asked if he has seen the photos provided to the Commission.

LINDEBAK said no one has provided those photos to him. He said he has talked to the homeowner across the street to the east who he understands was not happy with the Kellogg expansion project prior to the new owners purchasing the property so they are probably not happy today either.

RICHARDSON said he was at the site yesterday and two big backhoes are working in there not 25 feet from Trig Street.

LINDEBAK commented that the backhoes are taking down some of the trees.

RICHARDSON asked didn't Lindebak just say the applicant was going to leave that area alone.

LINDEBAK reiterated that the applicant indicated they would leave the east edge of the property alone.

RICHARDSON asked how the applicant proposed to keep the industrial traffic on Trig Street and not Gilbert. He asked how they were going to enforce that.

LINDEBAK said the intent was to access the site from the north along Trig Street. He said Gilbert is a public road so he didn't know how they could keep traffic off of it. He said they do not know if they can do anything about that but he understands from conversations with staff that Gilbert is not the most ideal road to access onto Greenwich Road. He said the intent is not to use Gilbert.

RICHARDSON commented that the preference was not to use Gilbert but there is no way to enforce that.

WARREN commented that the City can post weight limit signage on Gilbert so traffic restrictions can be done, but not by the developer. He said the city can then fine anyone who violates the weight limit.

LINDEBAK commented that he understood that the Gilbert and Greenwich Road intersection is being improved as part of the Kellogg expansion project.

RICHARDSON clarified that it was the agent's understanding that zoning on all the houses needs to be changed before any of the other uses kick in.

LINDEBAK responded that was right, they were trying to show some respect to the houses to the east of the location by not allowing certain uses such as signs beyond a certain capacity and adding a landscape buffer. He said they are trying to co-habitate with the neighbors.

KARMEN GIOUX, 640 SOUTH TRIG STREET said she has been in her home 20 years. She referred to pictures of the backhoes knocking down trees and said that started between 6:00 - 7:00 a.m. yesterday morning and they are still at it. In addition, she said there is an ugly plastic fence all along Trig Street, and there has been machinery in and out of the area all day long. She said all summer they dealt with heavy equipment and fully loaded semi-trucks with rock, gravel, etc. approximately four times an hour on their little one lane road. She said none of the neighbors want to see an ugly 8-foot concrete fence when they are used to looking at wildlife so there is no way that this proposal is improving the area. She said the only way out is on Gilbert and you have to pull out into the road because of visibility issues. She said pulling out on Trig Street trying to go north is very dangerous and mentioned numerous accidents and wrecks. She said the neighbors don't want this. She said if they are going to build something, take the whole street including their homes. She said they don't want to be stuck in a commercial bubble, with the turnpike on one side and 54 Highway on the other and all the riffraff that comes into an area with commercial development. She mentioned that crime has increased in the area because of the surrounding development. She said she is sure the applicant knows what they want to build there, but they are not informing the neighbors. She concluded by saying that the neighbors will protest the proposal.

WARREN asked the speaker since she was opposed to the proposed use, what kind of development would she like to see at the location?

GIOUX responded no development if she has to look out her window and see semi-trucks going by on a single lane road or look at an 8-foot ugly concrete wall.

ELLISON asked about development of an apartment complex at the site.

GIOUX asked why they would need industrial zoning to build an apartment complex. She said the property has been for sale for probably 40 plus years.

ELLISON commented that the speaker seems quite passionate about her stance and he is trying to understand where she is coming from. He added that it would also help him to understand what the applicant is trying to develop on the property.

CHAIR NEUGENT suggested Commissioner Ellison pursue that line of questioning with the appropriate people.

BRAIDEN FIENE, 556 SOUTH TRIG STREET said he has put quite a bit of work into his home. He said he has completely rebuilt and remodeled the house, added a shop and put almost \$50,000 into it. He asked how this would benefit him if the appraised value of his house goes down because of commercial property across the street. He asked why the property is being rezoned for LI. He said 90% of the traffic that comes through the neighborhood is not the nine people that live on the street. He added that the average speed is 40-45 miles per hour, which is very dangerous. He said Gilbert dies off at the stop sign into gravel on concrete that is hard to stop on. In addition he said you can't see south to turn onto Greenwich Road. He also mentioned how dangerous it was to try to turn left onto Kellogg.

He said when traffic gets backed up, you can sit there for 15 minutes so that is also a major concern. He mentioned that when there is a lot of rain, the water comes up and over the top of Trig Street and onto the Dandales property. He added that outside storage also brings down the value of other properties in the area. He concluded by saying that safety is a big concern and as a homeowner, he would rather have a washboard road than pavement with the speed that people go down Trig Street now.

WARREN asked the speaker since he was opposed to what was being proposed, what kind of development he would like to see.

FIENE said he hasn't thought about it a whole lot, but he would just like to know what is going on. He said there are a lot of gray areas but he can't imagine the traffic if an apartment complex went in there. He said no one is going to want to live across the street.

RICHARDSON asked the speaker how he would feel about the idea of closing Gilbert and turning Trig Street into a cul-de-sac.

FIENE replied if Gilbert were closed, the house on the corner would have no access since they come out onto Gilbert.

LINDEBAK introduced **MIKE BRAND, PROPERTY OWNER** said he might be able to give the Commission some vision about how the property could be developed. He said long-term development is unknown at this point in time. He said most of the concerns seem to be related to existing traffic

generated by the Kellogg project. He said drainage issues will be handled as part of platting process as required. He said they will provide the required screening for any outdoor storage.

MIKE BRAND, 2709 NORTH WILDROSE said to clarify screening along Trig Street; they are not taking down any trees for 25 feet. He said they are scraping the balance of the lot to clean it up. He said they have no future plans and bought the ground under speculation. He said he has some things in his head but no future plans on the thing.

TODD asked why they were requesting LI instead of GC zoning.

BRAND said they didn't know if they would turn the area into an office park or apartments. He said he had no future plans at the present moment.

ELLISON asked about drainage on the property and possible flooding of Trig Street.

LINDEBAK reported that drainage on the property was to the north and east. He said one of the ideas discussed was the possibility of having a catch basin that would release the water at a metered rate. He mentioned that LI zoning does not allow for residential use and he wanted to make that clear. He said they do not feel residential development is a good long range plan. He said zoning is all GC to the north and with the nature of the Kellogg work the area will be redeveloped.

BRAND mentioned that the only building to the north of the area was the Dandales Western Store, he said the rest of the buildings have been taken by the Kellogg project. He mentioned that Sherwood Construction is doing the work on the roadway and they have taken half of the parking lot at the former Dandales location. He also mentioned that the property to the west of them is under contract although it has not closed yet, so there will be a change there too.

LONGNECKER clarified that LI zoning does not allow residential uses.

WARREN asked staff about the possibility of turning Trig Street into a cul-de-sac or is the street too long.

BRIAN KOON, TRAFFIC ENGINEER, PUBLIC WORKS said it is a long street and could probably be a cul-de-sac if it had an appropriate turn around radius. He said it would need a larger turn-around radius in anticipation of the trucks that would be using it.

RICHARDSON clarified that the frontage road would be one way to the east.

KOON said that was correct.

There was considerable discussion concerning possible traffic solutions in the area including installation of a cul-de-sac on Trig Street; closing Gilbert; installation of a street on the west side of the application area; and access to the property from the north, etc.

MCKAY commented that there were a lot of unanswered questions and suggested that the application be deferred. He said because there are so many ifs, ands and buts about the street, he believes the item should be deferred to let the applicant/agent try to work something out. He asked if Trig Street was paved who would pay the special assessments; the other families who live on the street.

BRAND mentioned that they were hoping to build a street along the south end of the property. He said they would pay for the street and hoped the City would continue it to Gilbert so traffic could get away from the neighborhood.

MCKAY said that was a lot of speculation and if the applicant has a plan, he suggested they bring that back to the Commission for review.

LINDEBAK commented that a lot of the loose ends such as access, drainage, and access to utilities and water would be sorted out at the time of platting. He said the Planning Commission will see the item again.

KNEBEL suggested language changes to condition #3 to include “until Trig Street is paved or alternative access is provided”. He said he does not believe the Commission is going to figure out how access is provided until the property is rezoned. He said he does not believe the applicant is going to go to the trouble of coming up with an access plan until the property is rezoned.

DENNIS asked if the item had been to the District Advisory Board (DAB) yet.

LONGNECKER said no, it was scheduled for the following Monday.

TODD commented that the overall scope of this corner is moving towards commercial use. He said he questions LI and thinks GC would be sufficient. He said he spoke with a realtor and was told that GC property is more valuable.

MOTION: To defer the request for 90 days.

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

CHAIR NEUGENT asked if Commissioner McKay had specific items he wanted to see worked out or a specific time to defer the item to. She said a specific date would be better.

LINDEBAK asked what specifically the Commission wants worked out; access to the site?

MCKAY said paving the south side of the property, paving Trig Street and responsibility for special assessments going to the neighbors to the east.

LINDEBAK commented that those items would be worked out at platting. He said the intent was that the applicant would pay to pave Trig Street to their drive. He said a lot of things can change in the amount of time it takes to develop the property. He reminded the Commission that the zoning doesn't become effective until the property is platted.

RICHARDSON said another reason to defer this is the Commissioners walk in the door and they are handed the revised conditions as though no one had time to work on this before today. He said his point was the Commission has not had a chance to absorb this and he believes that is a bad policy.

The **MOTION** was **AMENDED** to defer the request for 90 days.

DENNIS requested that the Traffic Engineer provide something solid to make a decision on. He said he would also like to know exactly what the DAB has to say on this issue because he feels that is important input. He said as far as platting in four years, he said half of the Commissioners won't remember what they did here today. He said he supports the motion to defer this request 90 days.

DAILEY said he agreed with Commissioner Dennis and added that he would like to see access directly from the northwest corner out to Kellogg.

WARREN said a lot of the nitty gritty details will happen at the platting process, but some broad strokes about intentions and minimum agreements to address neighborhood concerns are needed. He said when you live across from an open field you would like to see that forever, but that just isn't reality because it will eventually be developed.

TODD said this was an opportunity to visit with the neighbors and said communication is the key.

CHAIR NEUGENT said she wanted to recognize the City Traffic Engineering who was literally pulled away from his desk to try and answer some very off the cuff inquiries. She said she also appreciated that staff is trying to move development requests through in a timely manner. She said this was one of those times she felt they were not ready to do this in a timely manner. She said she is in support of the motion to defer, but after what she has heard today, she will probably not support rezoning of the area to LI.

The **MOTION** to defer the request for 90 days carried (9-0-1). **FOSTER** – Abstained.

MCKAY (Out @2.45 p.m.)



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Laura Rainwater
SUBJECT: ZON2015-52
DATE: May 10, 2016

Bill Longnecker, Metropolitan Area Planning Department, presented a request to DAB II on Monday, May 9, 2016, for a zone change from SF-5 Single-Family Residential to LI Limited Industrial, with a Protective Overlay (PO) on 11.21-acres of unplatted property generally located between Kellogg and I-35 (Kansas Turnpike), West of Greenwich Road, on the north side of I-35 and the west side of Trig Street.

In attendance were **Brandon Wilson** and **Mike Brand** (owners/applicants), **Brian Lindebak** (Agent for the applicants) with MKEC, and the following property owners of adjacent property: **Alice Wells, Karmen Giroux** and **Braiden Fiene**.

After staff presentation, DAB members addressed questions to **Lindebak** and **Brand**.

DAB: Are you under contract until 2020 to store dirt and equipment?

Lindebak: It would appear so. The land will not be platted until Kellogg construction is complete. The goal now is to keep truck traffic off of Trig Street.

Brand: Sherwood Construction approached them to be a staging area during construction. Sherwood will compensate for use of the land by clearing property and making it site-ready for development. Property won't be developed until Kellogg is completed.

DAB: Why LI and not GC Zoning?

Lindebak: You can't have residential in LI.

DAB: Who will pay the cost of paving Trig?

Lindebak: Owner/developer will pay to pave Trig up to the entrance of the development once it has been platted.

DAB: How soon will Trig be paved?

Lindebak: Not until Kellogg is complete. Current truck traffic will not use Trig due to the eight foot berm to be constructed.

Adjacent property owners then addressed the Board in opposition of the change. Their concerns included:

- Truck traffic is occurring on Trig
- The put a port-a-potty right out in front of a homeowner's front window
- Drainage and flooding has occurred in their yards and over Trig

- Trees and landscaping is a complete mess
- Safety of our families due to heavy truck traffic that is now occurring on Trig
- Devaluation of our properties

In response to their concerns, that applicant has agreed to construct an 8' berm within 60 days and contact Sherwood Construction to instruct them to only use the NW entrance to the property and keep all construction traffic off of Trig.

Kelly Callen made a motion to approve the staff recommendation to APPROVE the request, with the following modifications to the PO as outlined in the Staff Report:

1. The applicant will not use Trig Street or Gilbert Streets until the improvements on East Kellogg are completed (2019-2020) and the property has been platted, after which the applicant will pave Trig Street at their expense from its intersection with the Kellogg frontage road to the entrance(s) of their property, per City Standards.
2. Access to the site for life of the East Kellogg Street improvements (2019-2020) will be confined to the northwest portion of the site.
3. The applicant will call Sherwood Construction to instruct them to keep all construction traffic off of Trig and Gilbert Streets and only use the current northwest entrance to the site.
4. The applicant will construct and complete an eight-foot tall berm for the length of the east side of the site seeded with a grass to hold it together within 60 days of May 9, 2016, DAB II meeting.
5. The City will install "No construction truck traffic" signs on Trig and Gilbert Streets during the life (2019-2020) of this portion of the construction/improvements to East Kellogg Street.

Becky Tuttle seconded.

Motion passed 6-0-1. Nazir Jesri abstained due to a conflict of interest.



Wichita-Sedgwick County Metropolitan Area Planning Department

May 12, 2016

John P & Linda E Palmer
233 S Brunswick
Wichita, KS, 67209

Brunswick Properties, LLC
7130 W Maple, Ste. 210
Wichita, KS, 67209

REFERENCE: DEFERRAL OF ZON2016-00012-CON2016-00007 – City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential to allow ancillary parking (CON2016-00007), an amendment to PO-300 to allow a restaurant and a 10% reduction of the compatibility setback on property generally located west of Ridge Road, north of Maple Street on the west side of Brunswick, Street (WCC #V).

Dear Applicants:

This letter is to acknowledge that you, the applicants and property owners, are deferring the above referenced case until further notice. This deferral can be up to the maximum of six months from the February, 10, 2016, completion date of the ownership list by Security 1st Title LLC. This means the ownership/notification list is good up to August 10, 2016. If there is no request to have the MAPC consider the request by that time the ZON2016-00012-CON2016-00007 case file will be closed and declared null and void.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Bill Longnecker
Senior Planner

Cc: Kaw Valley Engineering, Attn: Tim Austin, 200 N. Emporia, Wichita, KS 67202
Bryan Frye, WCC V, Mail Stop 1-13
Laura Rainwater, CSR V, Mail Stop 1-135
David Woodrow, 140 S. Brunswick, Wichita, KS 67209
Ellen and Larry Ryan, 150 S. Byron, Wichita, KS 67209
Jeff Cooper, 125 S. Tyler, Wichita, KS 67209
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

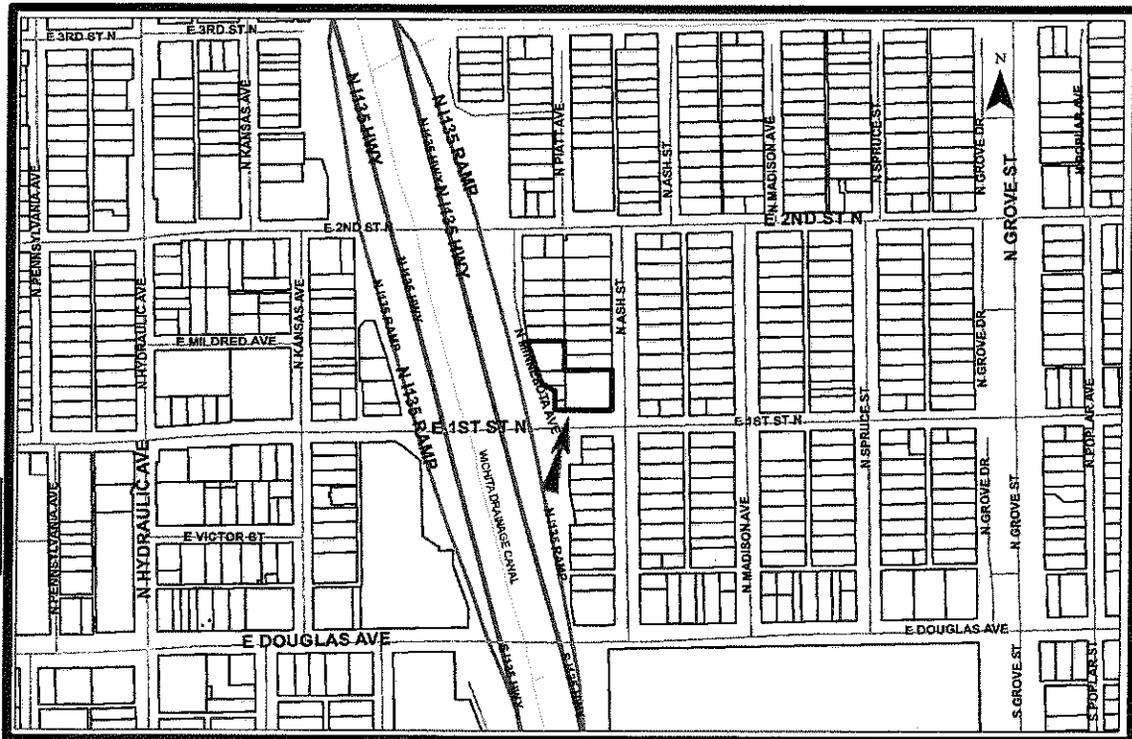
REFERENCE: DEFERRAL OF ZON2016-00012-CON2016-00007 – City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential to allow ancillary parking (CON2016-00007), an amendment to PO-300 to allow a restaurant and a 10% reduction of the compatibility setback on property generally located west of Ridge Road, north of Maple Street on the west side of Brunswick, Street

Page 2

Jason Gish, 411 N. Webb Rd., Wichita, KS 67206
Pat Obryan, 221 S. Brunswick, Wichita KS 67209
Jeff Drouhard, 102 S. Brunswick, Wichita, KS 67209
Ownership List

STAFF REPORT
 MAPC May 19, 2016
 DAB 1 June 6, 2016

- CASE NUMBER:** ZON2016-00008 & CON016-00009
- APPLICANT/AGENT:** Import Auto Center, Inc., Venture Realty, Inc., (applicants/owners)
 Kaw Valley Engineering, c/o Tim Austin (agent)
- REQUEST:** LC Limited Commercial and Conditional Use for car sales
- CURRENT ZONING:** B Multi-Family Residential & LC Limited Commercial
- SITE SIZE:** Approximately 1.12-acres
- LOCATION:** Generally located east of I-135, north of 1st Street, between Ash Street and Minnesota Avenue (WCC I)
- PROPOSED USE:** Allow outdoor auto sales



BACKGROUND: The applicants are requesting LC Limited Commercial (LC) zoning on the 0.32-acre, platted B Multi-Family Residential (B) zoned portion of the of the 1.12-acre site located north of 1st Street, on the east side of Minnesota Avenue. This B zoned north portion of the site is developed as a triplex (built 1935). The south and east parts of the site are the applicants' LC zoned auto repair and indoor car sales business, as permitted by Use Exception BZA12-87. The conditions of approval are:

- (1) All vehicle sales on this property shall be displayed and stored within an enclosed building.
- (2) That portion of the building to be occupied by the automobile sales business shall not exceed 5,000-square feet of floor area.
- (3) All parking spaces on the property shall be surfaced and designated as off-street parking for customers and employees and not be used for display of company vehicles.
- (4) If light is provided on the exterior, it shall be installed so as to not illuminate the adjoining residential properties by shielding and directing the light away from the residential properties.
- (5) Signs shall be limited to that permitted by Sec.28.04.139 of the zoning ordinance, provided however, no string type lighting or banners shall be permitted.
- (6) No sound projecting devices or loud speakers shall be used so as to be heard beyond the property lines.
- (7) All screening required by the zoning ordinance for the protection of the adjacent residential properties shall be installed and maintained in good condition.
- (8) Any change of occupancy of this building or change in the manner in which the automobile sales business is operated, shall null and void the resolution.
- (9) Any expansion of the building shall be subject to compliance with the requirements of the ordinance and must be reconsidered by the BZA.
- (10) Resolution BZA68-83 shall become null and void upon release of this resolution.

The applicants are requesting a Conditional Use to replace BZA12-87, to permit outdoor vehicle display and sales. The Unified Zoning Code (UZC, Sec-D.3.6.x) require a Conditional Use for car sales in the LC zoning district.

The LC and B zoned properties also had a variance approved, BZA13-87, to reduce the required parking from 41 parking spaces to 31 parking spaces and to reduce the 20-foot front setback along the portion of the site with Minnesota Avenue frontage for parking spaces. BZA13-87 was approved the same day as BZA12-87, subject to the above conditions, plus improvements to an abutting alley to City Standards, requiring parking barriers along right-of-way and landscaping in the reduced front setback that was not occupied by parking.

The applicants' auto repair business building (built 1988, approximately 10,000-square feet) has three bay doors facing 1st Street, as well as large windows and the entrance to the office. There is another bay door facing Minnesota Avenue as well as a large window. The applicants' site plan is projected on an aerial of the site. It does not show all of the proposed or existing parking spaces, instead it shows automobiles parked in unidentified space and a proposed sales display area for 13 vehicles. The site plan – aerial shows an existing drive onto Ash Street and an existing drive onto Minnesota Avenue. The site plan does not show proposed or existing

lighting, existing or proposed screening, nor existing or proposed landscaping.

The construction of Interstate Highway I-135 (I-135), between 1971 and 1978, re-routed and reconfigured this portion of Minnesota Avenue into a cul-de-sac, taking away its intersection with 1st Street on its south end. The only access to this portion of Minnesota Avenue is on its north side at its intersection with 2nd Street. An older B zoned residential neighborhood made up of single-family residences, a few duplexes, tri-plexes, and four-plexes (mostly built in the 1920s) abuts and adjacent to the north, east, and northeast sides of the site. An older B zoned residential neighborhood made up of mostly single-family residences, scattered duplexes, tri-plexus, and four-plexes (built 1872-1940s) is located south of the site, across 1st Street.

CASE HISTORY: The site is platted as Lot 1, Block 1, along with 10 feet of the vacated alley adjacent on the west side, Sixty Six Addition. The Sixty Six Addition was recorded with the Register of Deeds on February 4, 1970. The site is also platted as Lots 30-32-34-36, except that part deeded to the City & Lots 38-40, except that part lying west of a line starting at a point 59 feet east of the southwest corner of Lot 40 and ending at a point 47.2 feet east of the northwest corner of Lot 38 deeded to the City for highway purposes, all in Block 1, Minneapolis Addition. The ‘highway’ referenced is the west, abutting section of I-135, which was constructed between 1971 and 1978. The construction of I-135 required additional right-of-way and re-routed and re-configured Minnesota Avenue into a cul-de-sac on its south end. The Minneapolis Addition was recorded with the Register of Deeds June 9, 1886. Vacation case V-1523, approved March 1, 1988, vacated with conditions, the east abutting north-south alley from 2nd Street to 1st Street. As already noted Use Exception BZA12-87 and variance request BZA13-87 were approved with the conditions listed by the BZA on April 28, 1987. Staff has received calls inquiring about the zoning request. None of these calls expressed opposition to the applicants’ request.

NOTE: VAC2016-00004 was approved with conditions at the May 12, 2016, Subdivision Committee (SD) meeting. VAC2016-00004 is a request to vacate the south approximately 236 feet of the Minnesota Street public right-of-way. This portion of Minnesota Avenue abuts the east side of the applicants’ property and will increase the size of the site. There were no protests at the SD meeting. VAC2016-00004 will be considered at the May 19, 2016, MAPC meeting.

ADJACENT ZONING AND LAND USE:

NORTH: B	Single-family residences
SOUTH: B	Single-family residences, scattered duplexes, tri-plexus, four-plexus
EAST: B	Single-family residences, scattered duplexes, tri-plexus, four-plexus
WEST: I-135	Interstate Highway I-135

PUBLIC SERVICES: All utilities are available to the site. The site currently has a driveway onto the Minnesota Avenue cul-de-sac on its north end where a tri-plex is located. The only access to this portion of Minnesota Avenue is on its north side with its intersection with the one-way west, two-lane arterial 2nd Street. Ash Street is a residential street that intersects with the one-way west, two-lane arterial 2nd Street on its north side and with the one-way west, two-lane arterial 1st Street on its south side

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map” of the “Comprehensive Plan” identifies the site as appropriate for “residential development.” The site’s residential development designation appears to confirm the site’s and neighborhood’s development mix of single-family residences, scattered duplexes, tri-plexes, and four-plexes. The Concept Map does not recognize the site’s LC zoning. The requested LC zoning is not a match for the site’s residential development designation, but does match the site’s current LC zoning, which is what most of the site is zoned. The Map does show the area south of the site, across 1st Street, as appropriate for “new employment,” which does match up with the site’s LC zoning.

The “2035 Urban Growth Areas Map” identifies the site as being in the “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. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and car sales. In the past the MAPC has considered the relatively small size of a site for car repair and car sales to be a neighborhood serving business and considered car sales associated with existing or past car repair businesses.

The locational criteria for commercial development states that it should be located at the intersection of arterial streets and along highways and commercial corridors. The site is adjacent to I-135, but has no access to I-135. If VAC2016-00004 is approved the site would abut the east side of the I-135 right-of-way. Access to the site can be provided through the applicant’s east abutting LC zoned auto repair business/indoor car sales, via Ash Street to the one way east bound arterial 1st Street and via Minnesota Avenue to the one way west arterial 2nd Street. The locational guidelines of the Comprehensive Plan also supports the expansion of existing uses to adjacent areas. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and allow outdoor car sales, which is currently allowed indoors.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the Established Central Area’s infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets.

RECOMMENDATION: In the past the MAPC has supported the expansion of established businesses after a case-by-case consideration. The proposed LC zoning would allow the expansion of the existing LC zoned auto repair and allow outdoor car sales to replace the current indoor car sales business. The applicant’s 10,000-square foot building was built in 1988 making it perhaps the most recent development in the area. Based upon information available prior to the public hearings, planning staff recommends that the proposed LC zoning and Conditional

Use for outdoor car sales be APPROVED, subject to the following conditions:

- (1) The Conditional Use permitted is the outdoor display and sale of automobiles and light trucks only, subject to the Supplemental Use Regulations UZC, Sec-D.3.6.x. No sale or rental of trailers, vehicles or trucks larger than pick-ups are permitted.
- (2) No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
- (3) No outdoor display of cars for sales or cars waiting for repair is allowed north of Lot 38, Block 1, Minneapolis Addition.
- (4) No outdoor storage of tires, parts, oil barrels or any other items used in car repair. All parked cars waiting for repair must be operable with current tags. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use
- (5) Access onto and off of the site shall be off of Ash Street and the north moist point of Minnesota Avenue. No deliver of cars shall be permitted off of Minnesota Avenue.
- (6) A six to eight foot tall solid wood fence shall be erected around the property where is adjacent or abutting residential zoned properties.
- (7) All employee and customer parking and car sale display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries Abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public street right-of-way. The paving must be completed before the any vehicles are displayed or sold.
- (8) The site shall be in compliance with the UZC's parking standards for car sales and limited vehicle repair.
- (9) Outdoor lighting sources, including base or pedestal, pole and fixture, shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring Lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring Lot. Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning Districts. No building lighting shall permitted on the north and east side of the building.
- (10) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
- (11) No repair work shall be conducted except in the enclosed building, and further provided that no body work or painting is done.
- (12) No portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted. No building signs are permitted on the north or east sides of the building. No signs on Minnesota Avenue or Ash Street
- (13) There shall be no use of elevated platforms for the display of vehicles.
- (14) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (15) Provide a revised site plan for approval by the Planning Director within 60 days of approval of the Conditional Use and zoned change or the case will be declared null and

void. No car sales until the revised site plan is approved

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

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** An older B zoned residential neighborhood made up of single-family residences, a few duplexes, tri-plexes, and four-plexes (mostly built in the 1920s) are abutting and adjacent to the north, east, and northeast sides of the site. An older B zoned residential neighborhood made up of mostly single-family residences, scattered duplexes, tri-plexes, and four-plexes (built 1872-1940s) is located south of the site, across 1st Street. A portion of the applicants' property is the only LC zoning in the neighborhood. I-135 is located approximately 40-50 feet west of the site.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site's B zoning allows the current triplex development by right and ancillary parking by a Conditional Use, as well as any potential duplex, multi-family residential and some office development. The site is located within 40-50 feet of I-135, which makes residential development less attractive, as the traffic generated by the I-135 compromises the value of residential development. The LC zoned portion of the site is permitted for limited auto repair and the indoor display and sale of cars.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested LC zoning and Conditional Use allows for the expansion of the site's car sales and removes the restriction of the indoor display and sale of cars. The proposed Conditional Use is intended to minimize the negative impact the on older established residential neighborhood and possibly leave a negative visual impact of the community from I-135.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept Map" of the "Comprehensive Plan" identifies the site as appropriate for "residential development." The site's residential development designation appears to confirm the site's and neighborhood's development mix of single-family residences, scattered duplexes, tri-plexus, and four-plexus. The Concept Map does not recognize the site's LC zoning. The requested LC zoning is not a match for the site's residential development designation, but does match the site's current LC zoning, which is what most of the site is zoned. The Map does show the area south of the site, across 1st Street, as appropriate for "new employment," which does match up with the site's LC zoning.

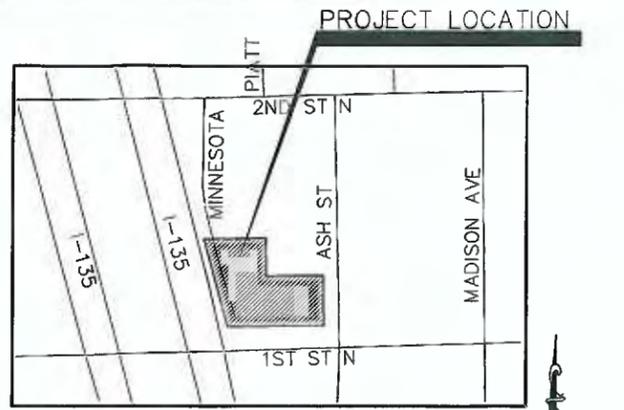
The "2035 Urban Growth Areas Map" identifies the site as being in the "Established Central Area." The Established Central Area is comprised of the downtown core and the

mature neighborhoods surrounding it in a roughly three mile radius. The Established Central Area is the focus area for the Wichita Urban Infill Strategy. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and car sales. In the past the MAPC has considered the relatively small size of a site for car repair and car sales to be a neighborhood serving business and considered car sales associated with existing or past car repair businesses.

The locational criteria for commercial development states that it should be located at the intersection of arterial streets and along highways and commercial corridors. The site is adjacent to I-135. If VAC2016-00004 is approved the site would abut the east side of the I-135 right-of-way. Access to the site can be provided through the applicant's east abutting LC zoned auto repair business, via Ash Street to the one way east arterial 1st Street and via Minnesota Avenue to the one way west arterial 2nd Street. The locational guidelines of the Comprehensive Plan also supports the expansion of existing uses to adjacent areas. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and allow outdoor car sales, which are currently allowed indoors.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the Established Central Area's infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets.

- (5) **Impact of the proposed development on community facilities:** The expanded site will generate more traffic onto Ash Street and 1st Street. Paved parking on the site will require a drainage study.



LOCATION MAP

WICHITA, KANSAS

NOT TO SCALE

CONDITIONAL USE XXXX-XXXX

OWNERS: VENTURE RENTALS INC.
 LEGAL DESCRIPTION: ALL OF LOTS 30, 32, 34, 36, 38, 40, 42, 44, 46, AND 48 EXCEPT THAT PORTION OF SAID LOTS DEDICATED TO RIGHT-OF-WAY, BLOCK 1, MINNEAPOLIS ADDITION, SEDGWICK COUNTY, KANSAS, ALONG WITH THE ADJACENT MINNESOTA AVENUE RIGHT-OF-WAY EXCEPT DEDICATED RIGHT-OF-WAY FOR I-135, ALONG WITH LOT 1 AND ADJACENT VACATED ALLEY, BLOCK 1, SIXTY-SIX ADDITION, SEDGWICK COUNTY, KANSAS.

GROSS ACREAGE: 1.12 +/-

ZONING: LC, LIMITED COMMERCIAL AND B, MULTI-FAMILY (BZA13-87 & BZA12-87)(TO BE REZONED LC, ZON2016-XX)

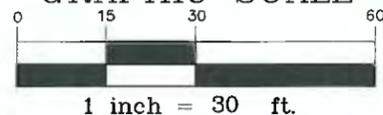
ALLOWED CU USES: CAR SALES AND DISPLAY

CONDITIONS:

1. THE SITE SHALL BE DEVELOPED IN GENERAL CONFORMANCE WITH THE APPROVED SITE PLAN.
2. THE SITE PLAN AS SHOWN IS CONCEPTUAL TO SHOW GENERAL LOCATION AND INTENT OF THE IMPROVEMENT. DEVIATIONS SUCH AS ORIENTATION, NUMBER, ENTRANCE LOCATION SHALL BE CONSIDERED MINOR IN NATURE AND WILL NOT REQUIRE FURTHER APPROVALS OF THE GOVERNING BODY.
3. THE CONDITIONAL USE IS A STAGING, PARKING AND MAINTENANCE AREA FOR THE APPLICANT'S BUSINESS, PLUS PARKING FOR THE EMPLOYEES.
4. NO OUTSIDE STORAGE OF SALVAGE VEHICLES, PARTS, CHEMICALS, OILS, OR SOLVENTS.
5. ALL MAINTENANCE WORK ON VEHICLES SHALL TAKE PLACE INSIDE THE SHOP, WHICH SHALL HAVE A CONCRETE FLOOR.



GRAPHIC SCALE



200 N. EMPORIA, SUITE 100
 WICHITA, KANSAS 67202
 PH. (316) 440-4304 | FAX (316) 440-4309
 wh@kveng.com | www.kveng.com

KAW VALLEY ENGINEERING

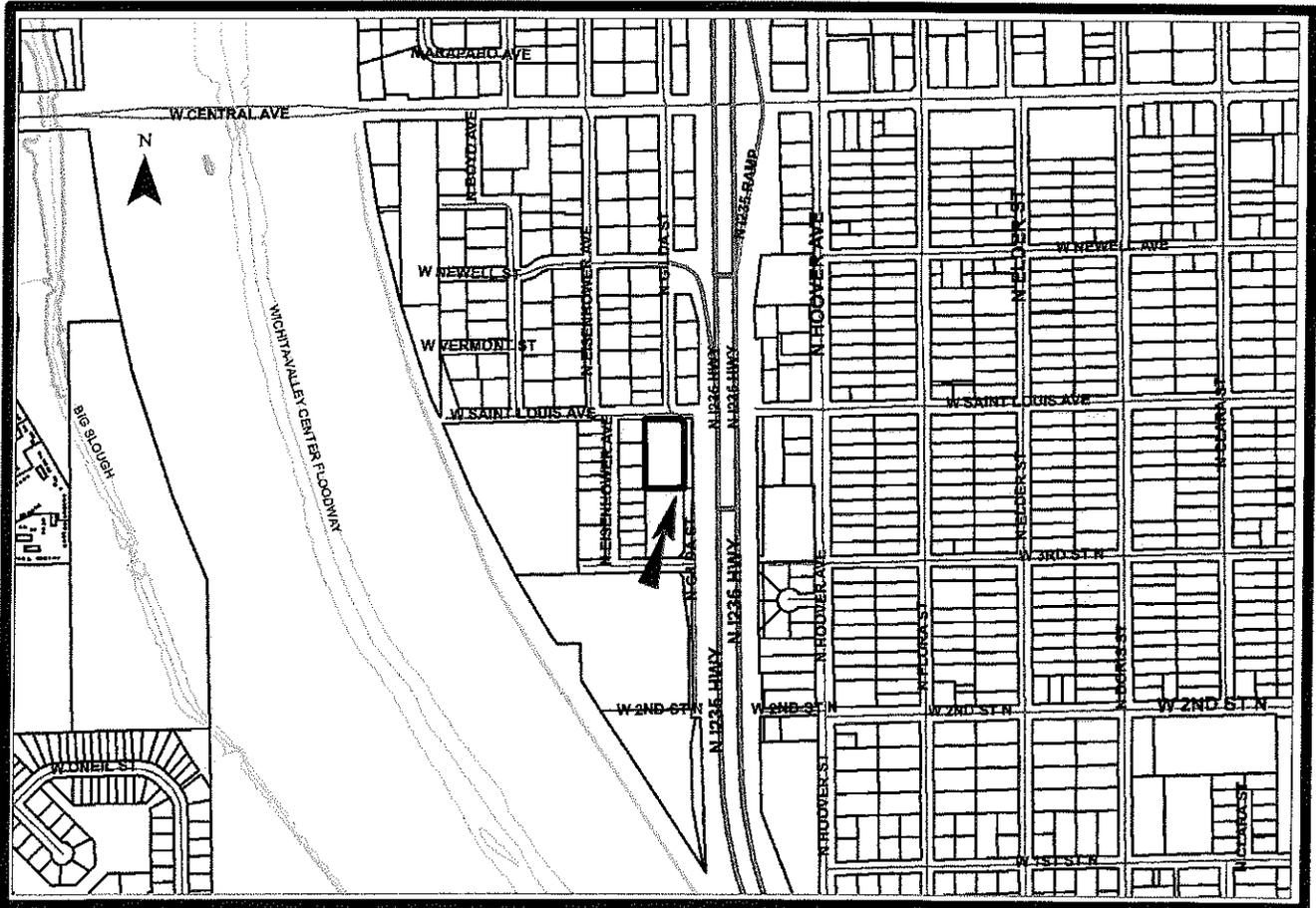
02/02/2016
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STAFF REPORT

MAPC May 19, 2016
DAB V June 6, 2016

- CASE NUMBER:** ZON2016-18
- APPLICANT/AGENT:** Adam Gray (owner/applicant)
- REQUEST:** TF-3 Two-Family Residential (TF-3) zoning
- CURRENT ZONING:** SF-5 Single-Family Residential (SF-5) zoning
- SITE SIZE:** 1.16 acres
- LOCATION:** Generally located west of I-235 and south of W. Central (5801 W. Saint Louis)
- PROPOSED USE:** Duplex development



BACKGROUND: The applicant requests TF-3 Two-Family Residential (TF-3) zoning on a 1.16-acre unplatted parcel. Any future construction on the site will require platting. The site is developed with one single-family residence and detached garage on the north end of the site. The site has 300 feet of frontage along North Gilda Street and 145 feet of depth. The applicant intends to retain the existing single-family residence on the site leaving room for up to three separate lots with frontage on North Gilda Street for three duplexes. If the existing house on the site were removed, the application area meets the Unified Zoning Code (UZC) minimum dimensions and size for up to six duplexes in TF-3 zoning.

The surrounding neighborhood is primarily zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences. A property two blocks north and one block west of this site was rezoned to TF-3 in 2006. Commercial zoning and uses exist within a few blocks of this site. Over a dozen pockets of TF-3 zoning exist within a half-mile of this location, the majority exist north of West Central and east of I-235. North of the site on North Gilda Street are SF-5 zoned single-family residences. South of the site is an SF-5 zoned single-family residence, an SF-5 zoned City public works substation facility permitted as a conditional use (CON2001-62) and a GC General Commercial (GC) zoned storage facility. East of the site is I-235, further east are TF-3 zoned duplexes. West of the site are SF-5 zoned single-family residences, the City substation facility, and a GC zoned self-storage facility.

CASE HISTORY: The site is unplatted. The existing house on the site was built in 1952. An additional single-family residence existed on the site but was removed with the widening/relocation of Gilda Street in conjunction with I-235 improvements.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5, GC	Single-family residence, public works substation, storage facility
EAST:	TF-3	I-235, duplexes
WEST:	SF-5, GC	Single-family residences, self-storage

PUBLIC SERVICES: North Gilda Street is a paved, two-lane local street at this location adjacent to I-235 right-of-way. Saint Louis Avenue is an unpaved, two-lane local street at this location. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.

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

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is primarily zoned SF-5 and developed with single-family residences. A property two blocks north and one block west of this site rezoned to TF-3 in 2006. Commercial zoning and uses exist within a few blocks of this site. Over a dozen pockets of TF-3 zoning exist within a half-mile of this location, the majority exist north of West Central and east of I-235. North of the site on North Gilda Street are SF-5 zoned single-

family residences. South of the site is an SF-5 zoned single-family residence, an SF-5 zoned City public works substation facility permitted as a conditional use (CON2001-62) and a GC zoned storage facility. East of the site is I-235, further east are TF-3 zoned duplexes. West of the site are SF-5 zoned single-family residences, the City substation facility, and a GC zoned self-storage facility.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and could be platted and developed with up to three additional single-family residences.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; duplexes and TF-3 zoning are common within the surrounding area.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure. Gilda is a paved street at this location with a paved route to arterial street and highway access.

STAFF REPORT
 MAPC May 19, 2016
 DAB V June 6, 2016

CASE NUMBER: CUP2016-15

APPLICANT/AGENT: Hawkins Marital Trust c/o Craig Kreiser (owner), Baughman Company, P.A. c/o Russ Ewy (agent)

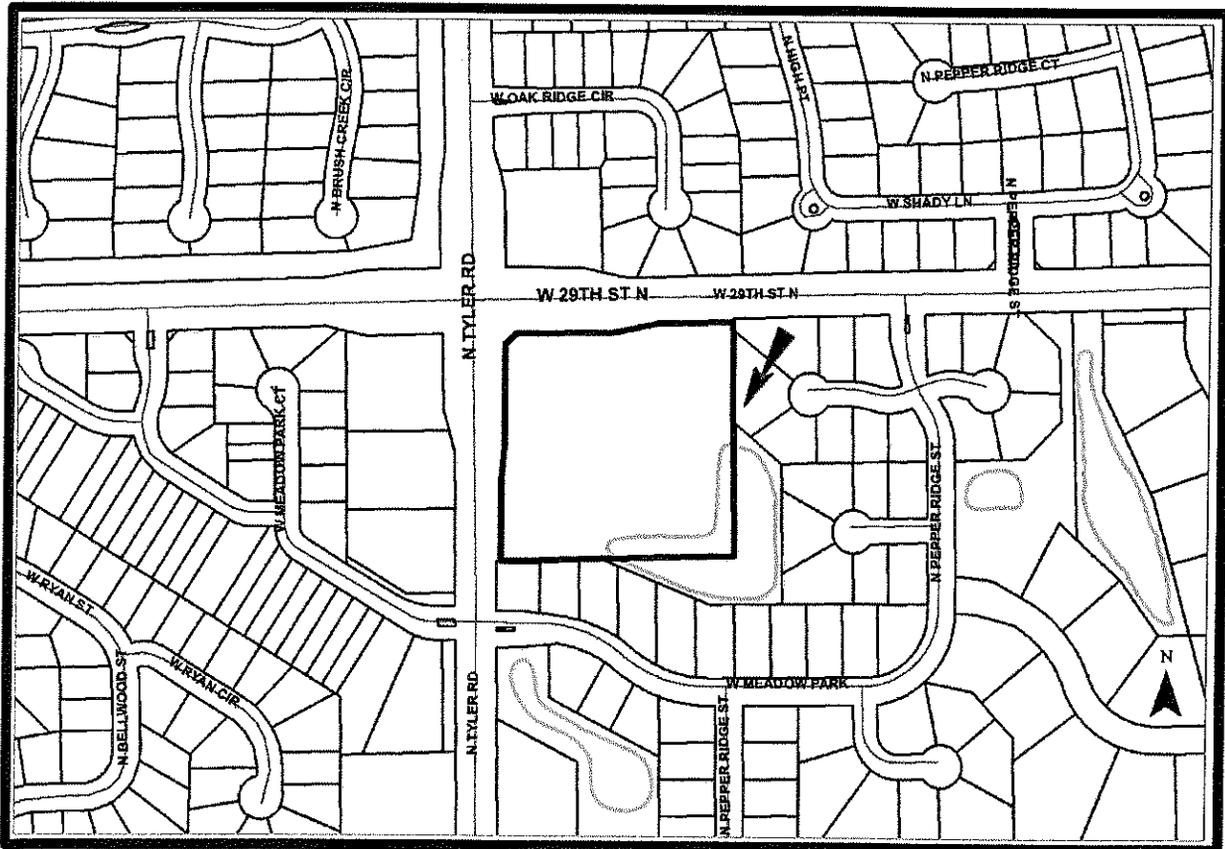
REQUEST: City Request to create DP-340 Fossil Rim Commercial Community Unit Plan (CUP)

CURRENT ZONING: Limited Commercial (LC)

SITE SIZE: 6.49 acres

LOCATION: Generally located south of West 29th Street North and east of North Tyler Road

PROPOSED USE: Limited Commercial development



BACKGROUND: The applicant requests creation of The Fossil Rim Commercial Community Unit Plan (CUP) DP-339 in existing LC Limited Commercial (LC) zoning. The 6.49-acre site is unplatted and undeveloped. The Wichita-Sedgwick County Unified Zoning Code (UZC) requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.

The site is located at the southeast corner of 29th Street North and North Tyler Road. North of the site, at the northeast corner of West 29th Street North and Tyler, is an LC zoned video store. North and east of the video store is an SF-5 Single-family Residential (SF-5) zoned neighborhood. South and east of the site is zoned SF-5 and developed with single-family residences. West of the site, across Tyler, is an LC zoned retail development and TF-3 Two-family Residential (TF-3) zoned duplex residences. The other LC zoned properties at this intersection are smaller (under six acres) and not under the development controls of a CUP or Protective Overlay (PO).

The proposed DP-340 is divided into four Parcels. The applicants propose all permitted uses in the LC zoning district with the following prohibitions: adult entertainment, sexually oriented business, correctional placement residences, night club in the city, and tavern/drinking establishment. Restaurants may serve liquor as long as food is the primary establishment service. Restaurants with drive-through windows, convenience stores, service stations and vehicle repair (limited) uses are not permitted within 170 feet of residential uses. Restaurants with drive-through windows shall be designed to ensure queuing lanes will not align vehicle headlights to face residential zoning. A car wash is permitted in Parcel 1 as an accessory use to a convenience store, subject to the provisions of the UZC Section III-D.6(f). No overhead doors shall be allowed within 170 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the CUP are prohibited.

The proposed DP-340 includes the UZC required masonry wall where abutting residential lots. The CUP allows a combination of wrought-iron fencing, berms and landscaping to meet the screening requirement adjacent to Reserve A. Reserve A is adjacent to the existing Fossil Estates Addition Reserve F which serves as a storm water detention and open space reserve. The CUP includes parking, setback, signage, lighting, landscaping and screening standards that meet or exceed code requirements and restrictions. The proposed CUP includes standards for architectural consistency, cross-lot circulation, and pedestrian circulation connected to the sidewalks along arterial streets.

CASE HISTORY: The site is unplatted and undeveloped.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, SF-5	Retail commercial, single-family residential
SOUTH:	SF-5	Single-family residential
EAST:	SF-5	Single-family residential
WEST:	LC, TF-3	Retail commercial, two-family residential

PUBLIC SERVICES: West 29th Street North and North Tyler Road are both section line arterial streets at this location with 60-foot half-width right-of-way (ROW) adjacent to the application area, tapering to 75-foot half-width ROW at the intersection. Both streets have four lanes, a center turn lane at the intersection, and right-turn lanes at the intersection. The CUP proposes two full-movement access points on 29th and one full-movement access point on Tyler. This is a small CUP with limited frontage, these access points do not meet the City Access Management Regulations spacing requirements. In consulting with the City Traffic Engineer, Planning Staff recommends that the access points align with the access

points to commercial developments across 29th Street North and Tyler Road. Access controls, turn lanes, decel lanes, a drainage plan and other improvements will be finalized during platting. Current traffic counts on this portion of West 29th Street North and Tyler Road are 7,631 and 12,388 vehicles per day respectively. The proposed CUP could have a total of 81,200 commercial square feet. With the ITE Manual estimate of 42 cars per day trip generation per 1,000 square feet of shopping center space, this CUP could generate an additional 3,410 vehicles per day to this intersection. All utilities are available to the site, and the CUP indicates that all utilities will be placed underground.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limits. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "New Employment" which encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

RECOMMENDATION: As stated in the Public Services portion of this report, Planning and Traffic Engineering Staff recommend that access points to this CUP align with commercial access points across the arterial streets. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP and zone change be APPROVED, subject to the following conditions:

- A. CUP graphics and General Provision 8 shall be edited to require full movement openings on West 29th Street North and Tyler Road to align with the existing commercial full movement openings across West 29th Street North and Tyler Road.
- B. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site, at the northeast corner of 29th Street North and Tyler, is an LC zoned video store. North and east of the video store is an SF-5 zoned neighborhood. South and east of the site is zoned SF-5 and developed with single-family residences. West of the site, across Tyler, is an LC zoned retail development and TF-3 zoned duplex residences. The other LC zoned properties at this intersection are smaller (under six acres) and not under the development controls of a CUP or PO.

2. The suitability of the subject property for the uses to which it has been restricted: The 6.49-acre site is zoned LC. The Wichita-Sedgwick County Unified Zoning Code (UZY) requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZY.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: LC zoning exists on the property. The requested CUP will further restrict land uses on the site and require specific development standards. Development on the site could impact nearby property with increased traffic, light, noise, trash and other impacts. The proposed CUP and existing development codes should mitigate those impacts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limits. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "New Employment" which encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

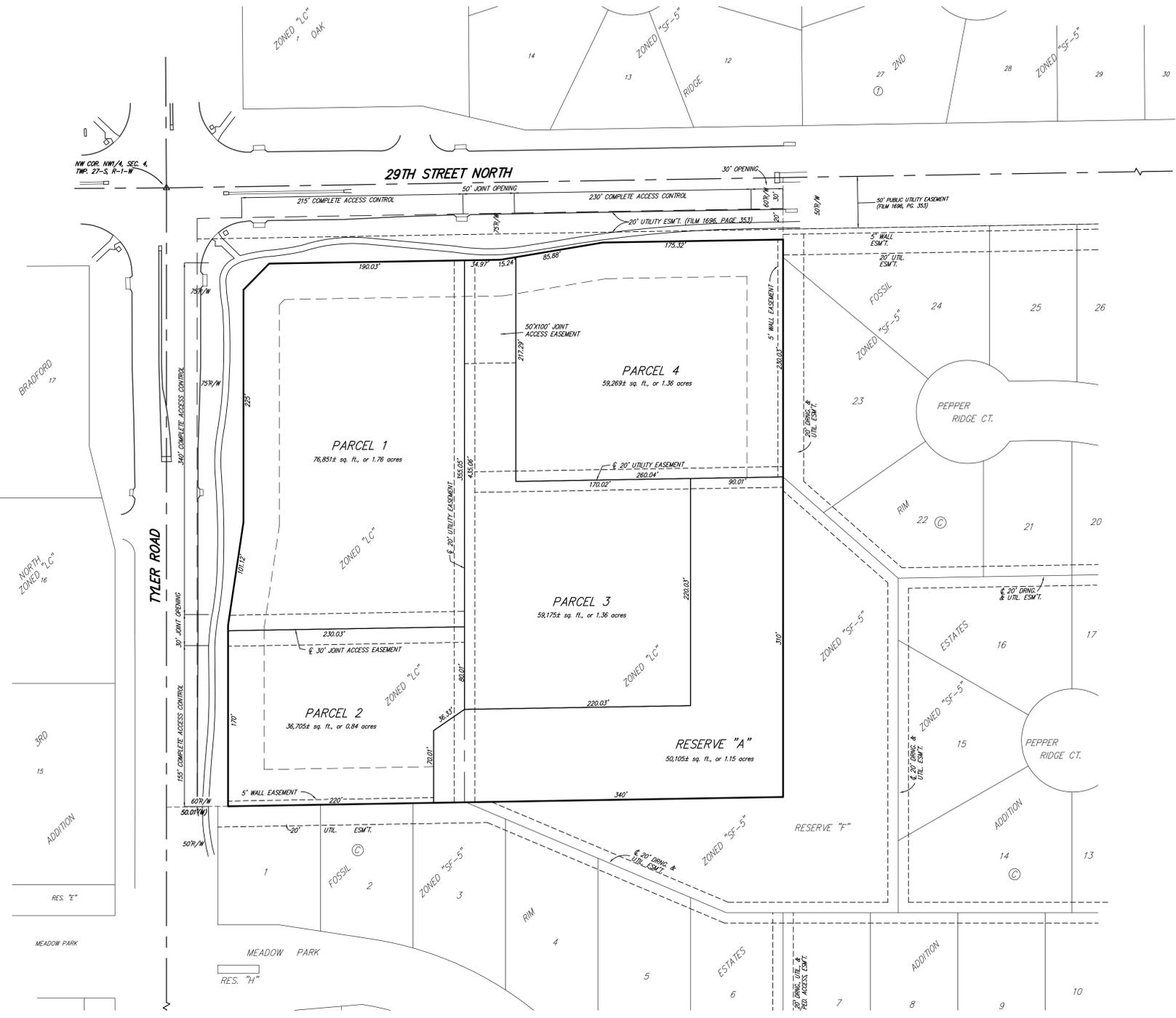
5. Impact of the proposed development on community facilities: The proposed CUP will generate increased traffic and demand for City services at this site. However, the Comprehensive Plan anticipates commercial development to occur at arterial intersections such as this location. Final access controls and improvements will be determined during platting. The staff recommended commercial drive alignment with adjacent commercial developments will mitigate conflicting turning movements and improve traffic safety in the area.

FOSSIL RIM COMMERCIAL COMMUNITY UNIT PLAN DP-340

GENERAL PROVISIONS:

1. Total Land Area: 282,107 ± sq.ft. or 6.48 ± acres
Net Land Area: 232,000 ± sq.ft. or 5.32 ± acres
2. Total Gross Floor Area: 81,200 sq.ft. or 28.7 percent
Total Floor Area Ratio: z
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
5. A Drainage Plan shall be submitted to the appropriate Engineer for approval during the platting process. Required guarantees or drainage shall be provided at the time of platting improvements.
6. Guarantees for left turn center lanes and right turn decel lanes to all full movement approaches, and other specific street improvements for Tyler Road and 29th Street N, shall be further reviewed and determined at the time of platting.
7. Signs will be as allowed by the Sign Code of the appropriate jurisdiction, with the following additional conditions/limitations:
 - A. Each parcel is permitted at least one freestanding sign per arterial frontage with the following area restrictions:
 - Parcel 1: 150 sq. ft. of signage along Tyler Road, and 150 sq. ft. of signage along 29th Street N.
 - Parcel 2: 150 sq. ft. of signage along Tyler Road.
 - Parcel 3: A maximum of two signs with a combined area of 200 sq. ft. of signage, with one sign allowed along Tyler Road and one sign allowed along 29th Street. No one sign is permitted to be larger than 150 sq.ft in area.
 - Parcel 4: 150 sq. ft. of signage along 29th Street N.
 - B. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how and is leased or sold and share similar elements in design.
 - C. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - D. Portable, billboards and off-site signs are not permitted.
 - E. Window display signs are limited to 25% of the window area.
 - F. No signs shall be allowed on any elevation any buildings facing residential uses.
 - G. All freestanding signs must be monument type and shall have a maximum height of 15 feet.
8. Access Controls shall be as shown on the final plat.
9. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
10. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.).
 - A. Limited height of light poles, including fixtures, lamps and base, to 24 feet, except within 100 feet of residential zoning said lighting shall be a maximum height of 15 feet.
 - B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
11. Utilities shall be installed underground on all parcels.
12. Landscaping for this site shall be required as follows:
 - A. Development of all parcels within the C.U.P. shall comply with the landscaping requirements of the City of Wichita, with a shared palette of landscape materials among parcels.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
13. Screening Walls:
 - A. A six (6) to eight (8) foot high concrete/masonry wall shall be constructed along the east and south property lines where adjacent to residential uses. Said wall shall be constructed at the time any portion(s) of the C.U.P. is developed.
 - B. This solid wall shall be constructed of a pattern and color that is consistent or compatible with the building walls.
 - C. Screening along the property lines of Parcels 2, 3, and 4, where adjacent to Reserve A, may be provided by a combination of a minimum 6-foot tall decorative, wrought-iron (or similar) fence, berms, and landscaping equivalent to a landscape buffer. Existing vegetation may be used in meeting this requirement. This buffer may be included in the required landscape plan and approved by the Planning Department.
14. Rooftop mechanical equipment shall be screened from ground level view with similar materials to the main building per Unified Zoning Code.
15. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view.
16. All buildings in the C.U.P. shall share uniform architectural character, color, texture, and the same predominate exterior building material, as determined by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas. Metal as an exterior material shall be limited to incidental accent.
17. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
18. No parcel within this C.U.P. shall allow the use of adult entertainment establishments; sexually oriented business; correctional placement residences; night club in the city; and tavern and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.

Restaurants with drive-through windows, convenience stores (with or without an associated car wash), service stations, and vehicle repair (limited) will not be permitted within 170 feet of residential uses. Restaurants with drive-through windows shall be designed to ensure queuing lanes for drive-through windows will not align vehicle headlights in such a manner as to face residential zoning. Car wash may be permitted within Parcel 1 as an accessory use to a convenience store, subject to the provisions of Section III-D.8(1). No overhead doors shall be allowed within 170 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited.
19. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the C.U.P.
20. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
21. The Transfer of title of all or any portion of land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
22. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
23. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
24. A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link sidewalks along Tyler Road, and 29th St N, with the proposed buildings within the subject property.
25. Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit. An overall site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/blocked by the layout of parking stalls or landscaping.



PARCEL 1

A. Net Area: 76,851 sq. ft. or 1.76 acres
 B. Maximum Building Coverage: 23,055 sq. ft. or 30 percent
 C. Maximum Gross Floor Area: 26,898 sq. ft.
 D. Floor Area Ratio: 35 percent
 E. Maximum Number of Buildings: Three (3)
 F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
 G. Setbacks: See Drawing
 H. Access Points: See Drawing
 I. Permitted Uses:
 All permitted uses in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 2

A. Net Area: 36,705 sq. ft. or 0.84 acres
 B. Maximum Building Coverage: 11,012 sq. ft. or 30 percent
 C. Maximum Gross Floor Area: 12,847 sq. ft.
 D. Floor Area Ratio: 35 percent
 E. Maximum Number of Buildings: One (1)
 F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
 G. Setbacks: See Drawing
 H. Access Points: See Drawing
 I. Permitted Uses:
 All permitted uses in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 3

A. Net Area: 59,175 sq. ft. or 1.36 acres
 B. Maximum Building Coverage: 17,753 sq. ft. or 30 percent
 C. Maximum Gross Floor Area: 20,711 sq. ft.
 D. Floor Area Ratio: 35 percent
 E. Maximum Number of Buildings: Two (2)
 F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
 G. Setbacks: See Drawing
 H. Access Points: See Drawing
 I. Permitted Uses:
 All permitted uses in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 4

A. Net Area: 59,269 sq. ft. or 1.36 acres
 B. Maximum Building Coverage: 17,781 sq. ft. or 30 percent
 C. Maximum Gross Floor Area: 20,744 sq. ft.
 D. Floor Area Ratio: 35 percent
 E. Maximum Number of Buildings: Two (2)
 F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
 G. Setbacks: See Drawing
 H. Access Points: See Drawing
 I. Permitted Uses:
 All permitted uses in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

RESERVE A

A. Net Area: 50,107 sq. ft. or 1.15 acres
 B. Permitted Uses: Landscaping, lakes, open space, berms, sidewalks, drainage purposes, and utilities as confined to easements.

REVISIONS

Submitted CUP2016-15:	April 11, 2016
Revised per staff comments:	May 11, 2016
Revised per MAPC:	2016
Approved per City Council:	2016

LEGAL DESCRIPTION:

A tract of land described as the North 600 feet of the West 600 feet of the Northwest 1/4 of Section 4, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; EXCEPT for road rights-of-way.

DP-340
FOSSIL RIM COMMERCIAL COMMUNITY UNIT PLAN

Baughman Company, P.A.
 315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
 Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

SCALE: 1" = 60'

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

DATE: May 19, 2016
TO: Metropolitan Area Planning Commission
FROM: Dave Barber AICP, Advanced Plans Manager
SUBJECT: DER 2016-00003: Set Public Hearing Date for Adoption of the Wichita Parks, Recreation and Open Space Plan Update 2016 as an element of the Community Investments Plan 2015-2035.

Background: In December 2006, the Wichita City Council formally initiated work on the development of the Wichita Parks, Recreation and Open Space Plan (PROS) to serve as a guide for the development, provision, maintenance, and funding of park, recreation and open space resources for the City of Wichita. This new plan will replace the 1996 Park and Open Space Master Plan for the City of Wichita.

On November 20, 2008, the Metropolitan Area Planning Commission held a public hearing and passed a motion adopting the 2008 Wichita Parks, Recreation and Open Space Plan as an element of the Wichita-Sedgwick County Comprehensive Plan, replacing the 1996 Park and Open Space Master Plan. The new 2008 Wichita PROS Plan was adopted as an element of the Wichita-Sedgwick County Comprehensive Plan by the Sedgwick County Board of Commissioners on December 17, 2008, and by the Wichita City Council on January 6, 2009.

Unfortunately, the 2008 Wichita PROS Plan was negatively impacted by the economic downturn that commenced in early 2009. Since its adoption, the PROS Plan has only been partially implemented. During the development of the new Community Investments Plan, the need to update the 2008 Wichita PROS Plan became evident. To that end, the Arts, Culture and Recreation Element of the Community Investments Plan contains the following Strategy:

- A. *Review and update the Wichita Parks, Recreation and Open Space Plan to ensure that future planned parks/open space and recreation facility investments (capital, maintenance, operations) strategically integrate with County regional parks and open space investments, and remain consistent with our community priorities and willingness to pay.*

Over the last six months, Wichita Park and Recreation staff members have been working on an update to the 2008 Wichita PROS Plan. Their work has been supplemented with community feedback, and some technical support from the consultants who had been hired to prepare the original Plan.

On May 5, 2016, the Park and Recreation Department provided the Advance Plans Committee of the MAPC with a presentation on the changes contained in the proposed Wichita PROS Plan

Update 2016. Major changes and modifications contained in the Wichita PROS Plan Update 2016 are listed below:

- The Plan reflects a more pragmatic and realistic approach and is centered around 10 new/revised goals;
- The Plan is fully coordinated and consistent with other current, relevant City plans including the recently adopted Community Investments Plan;
- The Plan focuses on improving connections and linkages, preserving existing resources, and promoting community-based recreation that utilizes recreation centers and specialized centers. Emphasis is also placed on building multi-sector service delivery based on the utilization of public/private partnerships.
- Renewed emphasis is placed on the advocacy role of the Wichita Parks Foundation in the areas of fund-raising, lobbying, and soliciting donations to fund future capital improvements.

The Advance Plans Committee recommended to Park and Recreation staff that the Wichita PROS Plan Update 2016 be modified to include policy direction related to the following two items:

- Importance of finding corporate underwriters or donors who will fund the development and operation of the City parks, recreation and opens space facilities recommended in the Plan.
- Emphasis on supporting the use of gray water to irrigate city parks, open space areas and golf courses where economically feasible

The Advance Plans Committee subsequently passed a motion at its May 5th meeting recommending that the MAPC adopt the Wichita PROS Plan Update 2016, amended to include the policy changes recommended by the Advanced Plans Committee, as an element of the Community Investments Plan 2015-2035.

The final draft Wichita PROS Plan Update 2016 currently under consideration by the MAPC has been revised to reflect and incorporate the policy changes recommended by the Advance Plans Committee on May 5th. The revised final draft Plan was presented to the Wichita Board of Park Commissioners on May 9, 2016 and was unanimously approved by the Board at that time. The final draft Wichita PROS Plan Update 2016 will be presented to the members of the Wichita City Council for their information and feedback at a workshop session scheduled for May 24, 2106.

Recommended Action: Set a public hearing date for June 16, 2016 to consider the proposed adoption of the *Wichita Parks, Recreation and Open Space Plan Update 2016* as an element of the *Wichita-Sedgwick County Community Investments Plan 2015-2035*.

Attachments:

1. Final Draft *Wichita Parks, Recreation and Open Space Plan Update 2016*